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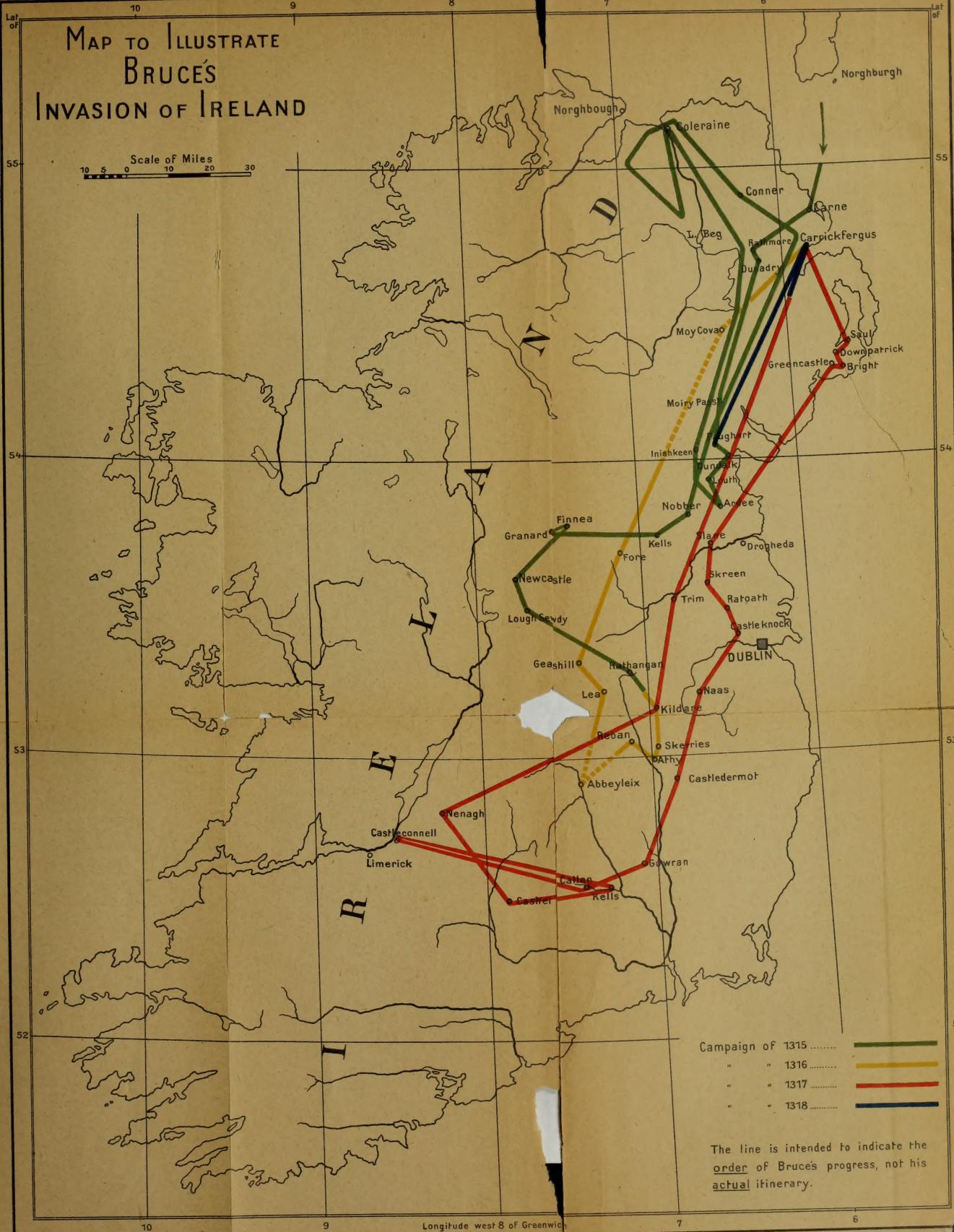
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MAP TO ILLUSTRATE
BRUCE'S
INVASION OF IRELAND

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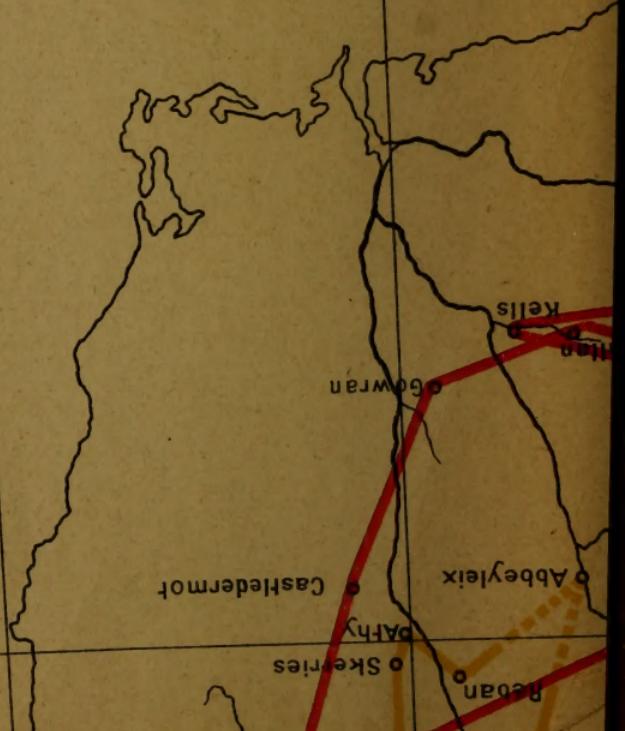
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The line is intended to indicate the
order of Bruce's progress, not his
actual itinerary.

..... 1318
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EDWARD BRUCE'S INVASION OF IRELAND

BY

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PREFACE

The teaching of Matthew Arnold that history is above all things a moral lesson, has given it a more liberal place among the sciences and a wider influence in affairs. The day when history was a mere chronicle of events is past. Since then its interest has not been so much academic as political; it has become an element in forming future policy. This is its wider mission, and the reason why the moral lesson must be kept more constantly in view. As our reading broadens, it is increasingly easy to adjust our values. The moral lesson, of itself, rises supreme over every other, until the whole teaching of history gathers into one clear light — that while men are brave and strive to be just, they prosper, but when they depart from these high standards, they fall into distress and wrong.

Ireland has been peculiarly diligent in looking in her past to form her future. Her people have always cared greatly for their history. But, too often, the view they have been given has been insular and narrow. They have not seen the past as a broad moral light for the days ahead. Any other interpretation is not only unfruitful, but mischievous, as her history has shown, for the disunion and bitterness of to-day are the outcome of an interpretation which has missed the greatest issue.

The first school of scientific inquiry arose in the fulness of Elizabethan days. Davies and Spenser,

Stanilhurst and Camden turned to Ireland's past. But they differed from their predecessors, in that they read it as construction for the future. They wrote at a time of great unrest; when, as Spenser said, it seemed to be Ireland's "fatall misfortune above all other countreyes . . . to bee miserably tossed and turmoyled." There was nothing left of the order of the Irish system nor of the statesmanship of English rule. The Irish race had become identified with lawlessness, and the government had sunk to the confusion of enactment against the race, instead of against the breakers of the law. So the result of their inquiry was indictment of the race. Spenser spoke of bringing this "stubborne nation of the Irish . . . from their delight of licentious barbarisme." "They seem scarcely to know the name of law," and by their blood fine "many murders amongst them are made up and smothered." Campion speaks of the Anglo-Irish as "now degenerate and become meere Irish." Davies compares the change in them to the change in Nebuchadnezzar, "and yet they took such pleasure in their beastly manner of life, as they would not return to their shape of men again." The danger of such teaching was that these men wrote with future policy consciously before their minds.

At once a new school arose in defence of the Irish. It found an able leader in Geoffrey Keating. He saw that any outcome from so false a presentation would deal a blow at the best interests of both people — a peaceable fusion between the two, which he knew to be possible, because he himself was the living proof of it. He felt the "manifest injustice" which was done, and he threw himself into the righting of it. He won his case for the Irish, as he was bound to do, by a simple statement of what the race had been; but he did a greater service in establishing

the principle, that as history will be used in future policy, its presentation must be a matter of the gravest care. Unfortunately he ended his work where the English connection with Ireland began. Had he continued it, much of the disunion which followed might have been avoided. After his day, defence of the Irish was extended into offence against the English — a development repugnant to his teaching and unforeseen by him. As the English school had judged the Irish by their decline, so the new school measured English government by its decadence.

It is with the tarnish of these prejudices upon us, that we read our history to-day. We should be ashamed to think that they have so spoiled our balance, that our measure of a people is no longer the height to which they rise, but the depth to which they sink. We have lost the true reading of the past when we lose its moral light. For both Irish and English systems were great and good, but each fell from its high place when it sacrificed its principle. Our proper study is to learn the qualities that underlay their greatness, the divergence that caused their fall and the depth to which they might be brought. These are the lessons from yesterday that will make us great to-morrow.

The height of Irish grandeur has been told by the Celtic scholars who followed in Keating's spirit. The companion picture, English greatness, is only being drawn to-day. The present work deals with the invasion of Edward Bruce, because it stands clear between the highest good of English rule and "the beginning of all evil." From that standpoint an attempt is made to give some measure of English accomplishment and some appreciation of her decline.

This book is the outcome of work begun for the Helen Blake National History Scholarship in Dublin University. The foundation supplied first the incentive to research and then the means of its prosecution. To it and to my examiners, the late Mr. Richard Bagwell and Professor Curtis, I owe my earliest encouragement to continue the work then begun. The University has done me a further honour by undertaking the printing and publication of the book.

Besides my debt to the University, my most grateful thanks are due to Dr. Goddard Orpen who has read the first two parts of this work and helped me with valuable suggestions and notes; to Mr. Herbert Wood, Deputy Keeper of the Records in Ireland, to Dr. Lawlor and Professor Curtis of Dublin University who have read the whole and helped me with their criticism and advice. Dr. Lawlor, Mr. de Burgh, Assistant Librarian, Dublin University and Dr. Jenkinson, University Library, Cambridge, have assisted me in my work on early manuscripts. My thanks would be incomplete without mention of the help given me by my brother and sister, and the encouragement always so generously given by Dr. R. H. Murray.

Dublin.

Feb. 15th 1922.

CONTENTS

Chapter		Page
	List of Principal Authorities	ix
	Analysis	xiv

PART I.

Ireland before the Invasion.

I. "A kingdom apart by herself"	1
II. Within the King's Realm	10
III. The Rule of Law	18
IV. The Position of the Irish	35
V. One People	52

PART II.

The Invasion of Edward Bruce.

I. Preparation	61
II. The Winning of Ulster	73
III. The Triumph of the Scots	88
IV. "An high flood, a low ebb"	99

PART III.

Ireland after the Invasion.

I. The Decline of Law	121
II. The Rise of Force	133
III. "The poor liege people of the land"	141
IV. Perspective	152
INDEX	169

MAPS.

Map of Ireland to illustrate Bruce's Invasion	to face title page
Plan of Dublin	to face p. 105

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ANALYSIS

PART I.

Ireland before the Invasion.

Ch. I. "A kingdom apart by herself."

A preface of world history — Feudal Europe — A universal family — Ireland loosely within the common order — The age of the Saints — The Danes — Isolation and decline — The rise of force — The English — A step forward.

Ch. II. Within the King's Realm.

Norman centralisation — Ireland is added to the realm — Outstanding feature, uniformity — The king is the common centre — His grant — The condition — The control it gives — The unity of the realm.

Ch. III. The Rule of Law.

The supremacy of the king changes to that of law — As a complement, expansion of his *entourage* — Parallel movement in Ireland: (1) the great officers, (2) the council, (3) the court of law — The king's business — Trial by jury — The liberties: (1) the position of the lord, (2) his jurisdiction — Other courts — A general rule of law.

Ch. IV. The Position of the Irish.

Submission of the Irish kings — The Treaty of Windsor, 1175 — (1) The Irishry: extent of control; admission to English laws; the death of one of them — (2) The Irish of the king's dominion: their tenures; their place as freemen; the servile status; liege people — (3) The Irish enemy: loss of their lands; the war against them; their legal position — The general attitude of England.

Ch. V. *One People.*

Neighbours — Tribal and feudal — The English through Irish eyes — Settlement and intermarriage — The homestead — Overlapping of the systems — The work of the church — The Irish through English eyes — The impression of the records — Which would dominate?

PART II.

The Invasion.

Ch. I. *Preparation.*

Robert and Edward Bruce — The story of the winning of Scotland — The personality of Robert Bruce — The dream of a Celtic kingdom — Preparations for the invasion of Ireland: (1) a naval base; (2) a pirate navy; (3) a simultaneous attack on the north of England — The pivot of the plan; the Irish — England surprised — Preparation: (1) the feudal army; (2) forts; (3) the navy; (4) finance; (5) foreign powers — The critical link; the Anglo-Irish nobility.

Ch. II. *The Winning of Ulster.*

The landing of the Scots, May 26, 1315 — First skirmish, Mandeville defeated — Camp at Faughart — Fall of Dundalk, June 29, 1315 — The Earl of Ulster — The government forces meet, July 22, 1315 — Covering skirmish at Inishkeen — Bruce retreats to Coleraine — Battle of Connor, Sept. 10, 1315 — Ulster subdued, except Carrickfergus — Battle of Kells, Dec. 6, 1315 — Through Leinster — To Kildare; Battle of Skerries, Jan. 26, 1316 — Superior strategy of Bruce.

Ch. III. *The Triumph of the Scots.*

Famine — Depression of the English outlook — Doubtful loyalty everywhere — Money running low — Success of the Scottish arms — Two courses open to Bruce — He retires on Ulster — The siege of Carrickfergus, Spring 1316 — Coronation — The fall of Carrickfergus, Sept. 1316 — The work of the garrison — The part played by the Earl of Ulster — The highest point of Scottish power — The effect of success on the Irish — Once again the dream of a Celtic kingdom — The invitation from the king of Ireland to the king of Scotland.

Ch. IV. *"An high flood, a low ebb."*

The middle class prepared for power — The action of Dublin and Drogheda — The Bruces advance from Ulster — Dublin gets ready: (1) the Earl of Ulster arrested; (2) fortification of the city — The Scots turned back, Feb. 24, 1317 — The work of Dublin unacceptable to the government — Its undoubted value — Mortimer sent as Lieutenant — His object, the release of the earl — Strained relations between Dublin and the government party — The earl released — Bruce again in Ulster — Preparations on both sides — O'Neill's letter to John XXII — Renewed hostilities — Scots defeated and overthrown at Faughart, Oct. 14, 1318 — Summary.

PART III.

Ireland after the Invasion.

Ch. I. *The Decline of Law.*

The effect of the invasion — The blow to prestige — Parliament — The law — Loosening control: (1) the Justiciar; (2) officials; (3) church and town; (4) the liberties — Signs of decline.

Ch. II. *The Rise of Force.*

Treason of the lords — Civil war — The Irish advance: (1) Leinster; (2) Munster; (3) Ulster — Assassination and murder — Decline of law — A state of terror — The victory of force.

Ch. III. *"The poor liege people of the land."*

Grave weakness somewhere — Examination of the financial argument — Lapsing of accounts — Cancellation of debt — Borrowing — Reform — The true cause; betrayal of the lieges — Their work: (1) in the invasion, (2) in the Irish advance — Their request for law in 1316 — The crisis of 1341 — Their disaffection — Their worth — The sign of their dismissal — Ireland at fault.

Ch. IV. *Perspective.*

Convulsion between the ages — The medieval character — Separation — Construction — Fruition — The break — The modern character — Chaos at first — The people's age — The Corporation — Its control of civic life — Leagues between towns — True democracy — Ireland in relation to the whole.

P A R T I.

IRELAND BEFORE THE INVASION.

CHAPTER I.

“A kingdom apart by herself.”

In the forefront of our early annals stands a A preface of world history. history of the world. There are few who seriously make use of it, and yet we could ill spare it from its place, for it is the surest witness that our people at one day felt themselves to be members of a great world family. Such a perspective must clear the view and widen it.

The tribal system under which these writers lived was founded on the most universal bond of all, the family. The tribe was something unattached to any land or tongue. Its property was flocks, its standard of crime, the price of a man's blood. This had been the early form of the whole dark continent of Europe. The ancient world was spent with its own brilliance when this new world was opened to its view. Rome was too old and cynical to lead the new, too wise and powerful not to leave its mark. From the impact of the two, the feudal state arose.

Feudal Europe.

It was the child of both, as versatile as its tribal mother, as ordered as its father, Rome. It was able for the new conditions as neither of them would have been. Its refinement was progress for the tribes; its coarseness took away much that made Rome narrow.

All through the early centuries of European history, it seemed right to men that there should be one dominion in the world and one religion. The Holy Roman Empire arose where Rome had been and satisfied the need. Its head was leader of the world; its church had a claim upon the church of every people; its army was the world in arms. Feudalism was the ready servant of such an empire. One man held of another, who held of another, who held of the king, who held, at least in theory, of the Empire. The principle was applicable to any country in Europe or to any that might be added. This was the scale in its simplest form. It might also be very complex, for the same man might hold of a number of different lords. This was what generally happened, and what was provided for in the feudal tie. It could be extended to any degree, while any amount of telescoping did not spoil its form. And so the common form of the world empire was the feudal state.

A universal family.

But the conception of unity was not bounded by the feudal tie. It threw a loose embrace over the whole known world. Ireland was tribal and far from the heart of things — “at the end of the world”¹ — but she was not outside the order of the whole. “Henry, king of the world rested in peace. After him, Conrad assumed sovereignty over the world.”² That was how

¹ *Calendar of Documents* (Sweetman) III, p. 622, a man is spoken of as residing “at the end of the world” in Ireland.

² *Tigernach*, 1023.

Irishmen thought of themselves — as part of a world Empire. Their bravest king was the “Augustus of the west of Europe”;¹ the battle of Damascus was an event in their own history;² the church’s Year of Grace called them to a common pilgrimage.³ Their clerics were studying, not their own insular regulations, but the canon law of the universal church. The same influence was working on the civil side. All the world was codifying its laws. Irishmen only did for their laws what the Normans, the Salian Franks, the English and the Welsh had already done for theirs. The common bond was all for good. It made for uniformity, for breadth of view, for tolerance. While we follow the peculiar history of our people, we must never forget that there was this wide communion. Although the tie with Europe became loose and nebulous in the eleventh and twelfth centuries, it was never broken, but in time was once more knit and joined together.

Ireland loosely
within the
common order.

The great age of the Irish people came with their ^{The age of} _{the Saints.} knowledge of God. It was only His Spirit which could have given such breadth and influence to so small a people. The love of God was the first thought of His saints; the fame of the country only followed as a consequence. Their outlook was broadened in His service. The faith of Patrick sought the training of Auxerre and Tours when God’s need in Ireland called him there. Columba made a temple among the flat grey stones of bleak Iona, careless of place so long as he might work for God. Columban and Gall looked into the distance of the world and saw its greater need. Brigid turned from the life about her to contemplation of His holiness.

¹ *Tigernach*, 1156.

² *Cé*, 1299.

³ *Ibid.*, 1300.

It was their lives and christianity which gave the impetus to Irish art and letters. The beautiful colouring of the celtic designs, their pleasing symmetry and finished workmanship, the skilful use of stone and metal, the diligent record of the scribes are but the fruits of service taught by master workers and inspired by God.

The very single-mindedness and devotion of these men became in the hands of their followers a narrow isolation. Their religion, which had been as wide as the love of God, became a thing of schools and churches. Religious foundations were more thickly spread in Ireland than in other countries, but there arose no king or chief of moral strength to be compared with an Oswald or an Alfred. There arose no man whose view was as wide even as his country. Brian Boru came nearest to it, thrust forward by the Danish ravages. He was the strongest king in the land and kept all others in subjection. But he used his strength for the peace and prosperity of the country at large. There lay the foundation of a commonwealth had any man arisen to carry on the work.

The Danes.

It is true that the Danish invasions cost us many works of art and much disruption, but these would count as nothing against the making of a people. A common danger is the quickest bond of union. The more savage and barbarous the attack, the closer do men draw together and the further is their effort strained. Taken at its lowest estimate, a war band is brave and strong, and numbers in it one who has the gift of leadership. These elements alone are worth absorption. But the Danes had more than that to give. They brought an instinct for trade and organisation and a physique unequalled in Europe. We could find it in our heart to wish that Ireland had suffered more

from foreigners, for her only experience of invasion produced a great Irishman and founded a fine race in the first Irish cities. And yet there are those who tell us that if Ireland had been let alone she would have evolved an order of her own. Where was her claim to immunity from the common lot of other countries? As it was, she suffered far less than they. She never felt the conquering power of Rome, or the ruthlessness of the Goth. Hun or Saxon, Vandal or Saracen, never touched her shores. The Danish wave had spent its force on France and England when it broke upon the Irish coast. In spite of this immunity, she evolved nothing approaching the order and progress of her neighbours who were bearing all. If Ireland had been let alone she might have developed something good, but it would have been abnormal and peculiar. She could be fitted to play a part in Europe only in one way — by the common touch of suffering which was making Europe every day.

After Brian's victory at Clontarf, Ireland knew no outside attack for more than one hundred and fifty years. During that time the Danish violence became a memory, and the settlers merged into the people's life. But the common bond with Europe loosened and Ireland's thoughts turned inward. She was forced to feed upon herself and the result could not be for her good. She had missed that greatest of educative benefits, contact with Rome,¹ and so she had never learnt the strength that lay in centralisation. Without it she was weakened by ceaseless internal strife, bewildered by lack of uniformity and powerless to enforce her laws. She was tribal, and so it was unessential to have a supreme

Isolation and
decline.

¹ Maine, *Early Institutions*, pp. 11—30.

king at all, nor, when there was an *ard-ri*, did his office entail centralisation of anything else, legislation, justice, or administration. He was simply the strongest of the provincial kings. She had her law, minute in every detail, but there was no weight to put behind it.¹ It depended for its sanction on the judgment of heaven.² Since there was no state, there was no crime against the state. Every offence was some man's personal affair.³ If by the force of public opinion or by fear of heavenly judgment he could compel the offender to submit to law, well and good; but if not, there was no power that he might look to, to enforce the law. In such a case no other course was open but an appeal to force. This was what happened during this century and a half. In the place of law arose the strong hand,

¹ "There really was no authority to compel any man either to submit to the arbitration of a brehon, or to abide by his decision, except public opinion." Joyce, *Short History of Ireland*, p. 52.

² The custom of "fasting" on a wrong-doer was an appeal to heaven. If he refused to be moved by it, any misfortune which befell him afterwards was considered to be heavenly execution of the law. For example, "The fasting of the community of Ciaran at Tulach Garba upon Hugh, King of Teffa and the bell called Ciaran's gaping was struck against him with the end of the Staff of Jesus. — Now in the place at which he turned his back on the clerics, in that place his head was cut off before the month's end." *Tigernach*, 1043, cf. 1108. Again in the case of an *eric* or murder fine: A *co-arb* demanded an *eric* from O'Conor. O'Conor said that he would give him his own award. The *co-arb* chose O'Conor's best man. "That is Manus," said O'Conor. "I am not at all," said Manus, "it is he who is head of the army". The *co-arb* followed them, refusing to leave them till he got his *eric*. Later as they were pulling down a church a beam fell on Manus and "thus it was that the *co-arb* of St. Caillin obtained *eric* for his ward".

³ 4 M., 1244. Joyce, *Short History of Ireland*, p. 47.

openly recognised as the ultimate appeal — “the right of every one is according to his strength”.¹

The sanction of force colours Irish records so that one cannot approach them without a feeling of dismay. All seems to be confusion and darkness; bloodshed and petty strife. There appears to be no order or meaning anywhere; all is “drum and trumpet” history. Even as late as the fourteenth century, every raid of the King of Connaught, which was weakening his country and leaving her a prey to her foes, is recorded with the greatest accuracy,² while the strong government of Tyrconnell, earns for O’Donnell silence or a brief simile unvalued then, though the worth and beauty of it appeal to us now — “his government was like a sea growing calm, a tide ebbing and a high wind sub-siding”.³

The whole system tended toward the development of force. There is abundant evidence, in the time following the Danish invasions, that every lordship, if not acquired by the strong hand, at least had to be maintained by it.⁴ The supreme kingship rested on “sufficient power” to have a given proportion of the country under command.⁵ The accustomed phrases of the annals tell the same story. Instead of finding that A is chosen as chief, we find that he “assumed”⁶ or “took”⁷ the lordship. Often we find that he is “im-

¹ *Tribes and Customs of Hy Fiachrach*, p. 317.

² *4 M.*, 1317, and following entries.

³ *Cé*, 1303. Hugh O’Donnell of Tyrconnell.

⁴ *4 M.*, 1067. *Clon.*, 1066, 1074.

⁵ *Clon.*, 1041.

⁶ *4 M.*, 1114, 1127, 1154. *Cé*, 1065, 1083. *Clon.*, 1131.

⁷ *Uls.*, 1114, 1115, 1165.

posed",¹ or "expelled", or "banished"² by an outside force altogether. As chief, we hear of him most often on "plundering expeditions",³ or cattle raids, or on "hostings"⁴ in search of "hostages and pledges". At any moment he may lose his land to a stronger man, or another may arise to "contest"⁵ the lordship with him. When he dies he is remembered as a "prop of battle for bravery",⁶ or as a "pillar of defence and warfare",⁷ or simply as the most "successful"⁸ man.

The English. In all this evidence we must read the indications of decay. The proof of it lies in the easy conquest of the next invader. It was because of Ireland's decline, that the people did not rise and fight against the English when they came. It was because her leaders were sunk in private interests that the coming of the English did not seem to be a national calamity. The king of Leinster brought them, the king of Munster did not scruple to use their aid. Perhaps only one man, O'Toole, Archbishop of Dublin, saw the meaning of their coming, and his efforts to arouse the people did no more than gather a rabble, who fled at the first attack. When Henry II. came to take over what his men had won, the Irish kings submitted without making an attempt to fight. The church felt its bond of unity with Rome more strongly than its kindred with the race. It made no difficulty of submission to a new temporal power.

¹ *Clon.*, 1140. *Uls.*, 1126, 1159, 1165. *4 M.*, 1118, 1126.

² *Uls.*, 1105, 1106, 1125. *4 M.*, 1051, 1071. *Clon.*, 1159.

³ *4 M.*, 1088, 1089, 1090.

⁴ *4 M.*, 1091, 1092, 1094, 1098, 1101.

⁵ *4 M.*, 1138.

⁶ *4 M.*, 1089.

⁷ *4 M.*, 1106.

⁸ *4 M.*, 1324.

MacMurrough made a false promise of Leinster in return for English help. O'Conor pretentiously assumed a power he had not got. It was a vanity thrust on him by the English, but it made his treaty with Henry II. useless as a hope of settlement. But worst of all was the behaviour of the majority of petty kings. The smallest man can fight for what he deems his rights, but there is treachery in one who hastens to make submission, only to break the bond when he is trusted. Out of his own law he was condemned; "there are three times of evil for the world, the time of a plague, of a general war and of the dissolution of verbal contracts". Surely one of these times was upon the country then. This was not Ireland at her best, we must believe that it was a time of break up and decay. If we attempt to explain away these things or to condone them, we are untrue to our best tradition and at once upon a lower moral plane. Ireland had proved that her people could be highminded and able, she had been brave under a fiercer attack, and the very feebleness of her law spoke of a day when the truth and honour of the people were high. But that day was gone. At the end of the twelfth century Ireland was ready for the next step forward and these newcomers were sent to give it to her.

There is no doubt that England was conscious of **A step forward.** her higher development. She had passed from violence under the compulsion of the law. The Danes under Cnut, and the Normans under William the Conqueror confirmed the law they found in the England they had conquered, because it was in advance of anything they had to give. But it is significant that when the English came to Ireland there was no confirmation of the Irish law, for Henry II knew that he brought some-

thing infinitely superior in effectiveness. He had no chance of imposing his law and stamping out the old, for he met with no resistance. The Irish kings submitted, and they and their law were tolerated. The justice of such treatment was exact, but the statesmanship was narrow. It would have been greater, knowing the best, to have found some way of giving it. There was nothing healthy in the easy settlement between the two. The Irish, naturally, clung to their old order, the English suffered it with a careless contempt. But their very presence broke it beyond recall. In its further degradation the license it gave to force was to prove one of the gravest dangers to the rule of law.

But that was in the future. At the moment, an easy settlement was effected. Ireland was once more linked up with the continent. She no longer drifted apart by herself, but had come within the realm of the English king, brought there by the ablest of a great race.

CHAPTER II.

Within the King's Realm.

**Norman
centralisation.**

The Normans gave more to Europe than any other people of the middle ages. The peculiar gift which they brought to England was the supremacy of the king. In the royal person the simplest of the people found a conception of centralisation which they could grasp, and the whole realm won the boon of uniformity.

The realm was so ordered when Ireland was brought within it. She was given her connection by a man who was not only the foundation and summit of the whole, but the greatest builder of this race that had reared a kingdom round the throne. When we know that Ireland was conquered by Henry II, we expect to find a work very carefully and very justly done. It is the advantage of the historian that he needs only to ask himself "where can I best see this thing?" and there take up his view. We propose to take our stand at the opening of the fourteenth century, when the Normans had been in Ireland for more than one hundred years. After so long a time, we should be able to see something of what they had made of the country.

When we view the Ireland of that day, the thing outstanding feature-uniformity. that strikes us most is its uniformity with the rest of the king's dominions. The new land was simply an extension of the old; a new piece added to the king's realm. It lay parcelled out into the same divisions — counties, hundreds,¹ vills.² At the opening of the fourteenth century we have record of the counties of Antrim, Down, Coleraine, Carrickfergus and New Town of Blawyk in Ulster;³ in Leinster, Dublin, Wexford,

¹ *Calendar of Documents* (Sweetman), Vol. V, No. 617, Hundreds of Old Ross, No. 653, Hundreds of Kilkenny; *Cal. Inquisitions Post Mortem*, Vol. VI, p. 324, Hundreds of Wexford etc.

² *Cal. Documents* (Sweetman), Vol. IV, 551, "burgesses of the vill"; Vol. V, 617, Vill of Rosponde, of Fothered; p. 653, Vill of Kilkenny; *Cal. Inquisitions Post Mortem*, Vol. II, p. 433, Townships of Thomond; Vol. VI, p. 160, Townships of Connaught; Vol. VII, p. 375, "They hold their land by townships" etc.

³ The division of Ulster, in the fourteenth century, into the five counties given above was well established and of old standing (see Orpen, "Earldom of Ulster" *R. S. A. I.* Vol. 43, p. 133). The

Kildare, Carlow and Kilkenny;¹ in Munster, Kerry, Limerick, Tipperary, Cork, Waterford² and Thomond³ (or Clare) and in the west the counties of Connaught⁴ and Roscommon.⁵ Meath was not yet spoken of as two counties, although the division into the de Verdun and Geynville moieties foreshadowed the break. These divisions were not arbitrary. They all rested on some

references to the divisions are as follows. The Inquisitions taken in 1226 and 1276 (*R. S. A. I.* Vol. 43, pp. 31 and 41) indicate the division by accounting under heads which correspond to the counties; the Inquisitions of 1333 (*Cal. Inquisitions Post Mortem*, Vol. VII, p. 372, examined more fully *R. S. A. I.* Vol. 43, p. 133) give the counties of Cragfergus, Antrim, Dun, New Town of Blathewyc, Coulrath; *Pipe Rolls* 9. Ed. I, "Ulster counties *viz.* Maulyn (Orpen "The county of Antrim . . . would correspond to the deaneries of Maulyne or Moylinny [Magh Line] and Turtrye") Cracfergus *etc.*"; 2. Ed. III "counties of Maghelnourne (Orpen 'The county of Maghelnourne [recte Magheramourne] is clearly an alias for the county of Cragfergus') Auntrum and Coulrath in Ulster"; 8. Ed. III "counties of Down, Blawyk, Antrym, Cragfergus and Coulrath"; *Cal. Patent Rolls*, 20. Ed. III quoted by Ware, *Antiquities of Ireland*, Harris, Dublin 1764, Vol. II, pp. 36 and 37) Office of Sheriff of counties of Down and Newtown granted; John of Athy, Sheriff of counties Antrim and Carrickfergus; Sheriff of Coleraine; Sheriff of counties of Ards (Ards was in the county of New Town of Blathewyc) and Lecale (Orpen "Down and Lecale denoted the same district").

¹ Mentioned throughout the *Pipe Rolls* of the thirteenth century.

² *Pipe Rolls* for the period.

³ *Cal. Inquisitions post Mortem*, Vol. VI, p. 160; Vol. II, p. 433, Ware and Spenser agree that Thomond or Clare was originally in Munster.

⁴ *Pipe Rolls*, 19. Ed. III; 9. Ed. I.

⁵ *Pipe Rolls*, 3. Ed. II, Roscommon Co., under it we find items which before were under the county of Connaught.

old division¹ of the land which was common to England and Ireland long before the Normans came to either. The genius of the race was able to assimilate all this and build it up to perform a service in the system which they made.

The instruments by which the government was carried on were like those of the rest of the realm, for here again there was uniformity. There was a Keeper for Ireland as there was one for Scotland.² There was a Council for Ireland, as there was one for "the realm beyond the seas".³ There was an Exchequer at Dublin as at Berwick⁴ or Carnarvon.⁵ There were justices, escheators, sheriffs and their bailiffs for Ireland as for South Wales⁶ or England beyond-Trent.⁷

It is obvious that this uniformity must have been derived from a centre that was common and supreme. This position, as we have said, the king had made for himself. He had done so by means of a broad theory. All the land of the realm was his — England, Scotland, Wales, Ireland and west France. It was the theory of William the Conqueror and the means by which he magnified the king. Over the fundamental divisions of county, hundred and vill, a great superstructure of grants was built up. Here and there parts

The king is the
common centre.

¹ Cf. *Clon.*, 1141, "Munster in old time was divided in five Munsters, vidzt. Ormond, Thuomond, Desmond, Middle Munster and West Munster."

² *Parliamentary Writs and Writs of Military Summons*, p. 27, 2. Ed. II.

³ *Cal. Patent Rolls*, 11. 11. 1317; 20. 11. 1317; *Cal. Fine Rolls*, 3. 12. 1315, p. 263.

⁴ *Cal. Fine Rolls*, 5. 6. 1308, p. 23.

⁵ *Ibid.*, 30. 10. 1309, p. 51; 19. 2. 1315, p. 232.

⁶ *Cal. Fine Rolls*, 19. 2. 1315, p. 232.

⁷ *Ibid.*, 10. 12. 1309, p. 52.

were reserved as the king's demesne. In Ireland we find it scattered over the country, in the land for the Castle of Athlone,¹ or the manor of Chapelizod,² the pasture of the Curragh³ or the forest of Glencree.⁴ When this had been reserved, the rest was granted out to tenants of the king. Few of these grants were alike, they varied greatly in extent and power. The grant of Ulster covered the north of Ireland and in power stood in line with the great English earldoms. The honour of Dungarvan⁵ was of the class of those of Wallingford or Boulogne.⁶ The manors of Oboy and Malahide⁷ were no smaller than many held in chief in England.

His grant. These grants were given indiscriminately in any part of the realm — the same man might hold in Scotland and England,⁸ in England and Ireland,⁹ in Ireland and France.¹⁰ It did not matter where, because the conditions of the king's grant were uniform over his realm. There was a broad principle which governed them — each was held by service on condition of loyalty. Within these limits there was infinite variety. The service might be anything at all, from service for the king's war to the service of a gillyflower or a garland of

¹ *Cal. Documents* (Sweetman), IV, 548.

² *Cal. Fine Rolls*, 25. 10. 1308, p. 31.

³ *Early Statutes* (Ireland), 27. Ed. I, Vol. I, p. 217.

⁴ *Ibid.*, p. 219.

⁵ *Pipe Rolls*, 19. H. III.

⁶ *Early Statutes*, 1. H. III, Vol. I, p. 15; *Cal. Patent Rolls*, 20. 1. 1280, p. 361.

⁷ *Cal. Inquisitions*, Vol. V, p. 232; Vol. II, p. 497; cf. II, p. 17.

⁸ *Cal. Patent Rolls*, 31. 1. 1318.

⁹ *Ibid.*, 28. 8. 1280.

¹⁰ William Marshal the elder and his son Richard. Orpen, *Ireland under the Normans*, Vol. II, p. 31 note; Vol. III, p. 60 note.

roses. It just depended where the king needed help. If it were for his war, it might be the supply of an armed footman;¹ for his travels, the conduct of his treasure² or the horse to bear his scullery;³ for his pleasure the feeding of a pack of hounds⁴ or coursing dogs;⁵ for his justice, the attendance at his court;⁶ for his coronation, the finding of a damsel to wait upon the queen;⁷ or for his soul, the prayers of a monk. As the years went by these personal duties were changed into a money payment, but the idea was not lost, — the land was held by "the service of rendering" so many pounds a year.⁸ Service there must be, for it The condition. spelt control. It was an easy thing to pray for the repose of a soul or to render a rose at midsummer, yet both showed the hand of the king upon his realm, on the church as on the greatest baron.

Nor did the king's influence cease when the condition of the tenure was fixed. All the time he was behind the grant looking to his interest. Not one acre could be changed — acquired or given away — without his leave. In time of weakness, when the heir was young, or a woman, he frequently stood guardian for the land.⁹ In his need he called for its aid, and for lack of an heir or for wrongdoing he drew it once

¹ *Cal. Inquisitions*, Vol. II, p. 7.

² *Ibid.*, p. 3.

³ *Ibid.*, p. 6.

⁴ *Ibid.*, p. 18.

⁵ *Ibid.*, p. 10.

⁶ *Cal. Fine Rolls*, 5. 7. 1311, p. 95.

⁷ *Ibid.*, 2. 11. 1312, p. 151.

⁸ *Cal. Fine Rolls*, 10. 5. 1317, p. 326.

⁹ Every grant from the king was held on these terms. Petty serjeanty and socage tenure were the only ones which did not give the king the right of wardship and marriage. Maitland, *Constitutional History of England*, pp. 25—32.

more within his hand. His license was as necessary in Connaught¹ as in Kent; his aid was due from Leinster² as from Aquitaine;³ his wardships and escheats swelled the coffers of the five countries in his hand.

The unity of
the realm.

The uniformity of the realm tended to give it unity. Over the whole there was communication. Whether a man on the king's service had to leave England or Ireland or the realm beyond the sea, the same letters of protection were open to him,⁴ the same system of attorney left him accessible until his return.⁵ Office was given anywhere. One man was Constable of Bordeaux, then Archbishop of Dublin, then envoy to the Papal Court;⁶ another, Chancellor of the Irish Exchequer, Bishop of Ely, Lord Chancellor of England.⁷ The realm was one, in intention and reality. As one man it rose on the

¹ *Cal. Documents* (Sweetman), Vol. V, p. 436 and 437; Vol. IV, p. 728.

² *Cal. Justiciary Rolls*, 1302, p. 440.

³ *Cal. Patent Rolls*, 22. 7. 1316.

⁴ *Ibid.*, 24. 7. 1280; 29. 10. 1308; 21. 7. 1310; 21. S. 1309.

⁵ *Ibid.*, 28. 2. 1280, Geynville going to Lorraine appointed attorneys in England and Ireland; *ibid.*, 10. 11. 1307; 1. 12. 1307; 23. 10. 1308, etc.

⁶ *Cal. Close Rolls*, 18. 8. 1310, p. 277.

⁷ This was John de Hothum. He rose with extraordinary celerity. In 1309 he was Chancellor of the Irish Exchequer, Archdeacon of Glendalough, etc. (*Papal Letters* II, p. 50). In the same year he was made Escheator beyond-Trent. (*Cal. Fine Rolls*, 10. 12. 1309, p. 52). In 1312 he was Chancellor of the English Exchequer. In 1314 he was sent to inspect the Irish Exchequer and view the king's debts. (*Cal. Patent Rolls*, 13. 8. 1314); in 1315 to Ireland to make arrangements for repelling Bruce. In 1316 he was Bishop of Ely. In 1317 he was sent as an envoy to the Pope (*Papal Letters* II, p. 138). In 1318 he was Treasurer of the Exchequer. (*Cal. Patent Rolls*, 3. 2. 1318). In 1319 he was Lord Chancellor of England. (*Cal. Close Rolls*, 25. 11. 1319; p. 112).

wave of learning which put Oxford and Cambridge high in the intellectual world and from them passed on to Dublin¹ and St. Andrews.² As one man it bent before the popular religious movement promoted by the friars. The grey and black habits of the Minors and Preachers were as common in the lowest quarters of Athlone and Cork,³ as in those of Leicester or Southampton. As one man, its history comes down to us woven in a single piece — the royal record.

Here then, in Ireland, we have the old divisions of the land taken and organised into counties, hundreds and vills, and these, as in England, were made the units for the administration of the whole country. The sheriff directed his county, the bailiff his hundred or vill. The judges, escheators, stewards, clerks and marshalls worked through these units too. But these men were only officials, not one of them had any property, by virtue of his office, in the lands with which he was connected. Property was organised, as in England, on a system of its own. Grants, large or small, were given anywhere, all ultimately depending on the king, all held on condition, all controlled. There was close union, purposely created, throughout the realm. Intercourse was encouraged and made easy, office was open to ability, there was room for common sentiment, and no distinction where the business was the king's. And behind everything was the king himself, the chief factor in giving this uniformity to the whole. His dim form was the sovereign person, the first officer, the highest judge.

¹ *Cal. Papal Registers, Papal Letters*, Vol. II, p. 102. July 1312 Statute establishing a University of scholars in Dublin.

² *Historical Manuscripts Commission, Report II*, App. 192, Monuments of the University of Aberdeen.

³ *Cal. Close Rolls*, 3. 9. 1307, p. 2.

CHAPTER III.

The Rule of Law.

The supremacy of
the king changes
to that of law.

Such kingly supremacy was a very strong thing and very good — very strong in its efficiency, very good in the easy passage it provided for the rule of law.¹ The uniformity which it gave was not broken by the change. The supremacy of the law came very gradually and very naturally. It was owing chiefly to the position of the king that this was so. We have seen that his supremacy was a real thing in Ireland, bringing her closely within the realm. We look now to see if the development towards a rule of law changed her in a like degree.

It took but one reign, that of the Conqueror's son to show the danger that lay in the changing person of the sovereign. Henry I ascended the throne bound by a charter. Henry II widely extended the law, but as a servant of the royal power. It was very definitely below the king, "the king's will has the force of law"; "the king has spoken, the cause is ended". Richard I was an absentee king, but it was found that things could go on without him. As far as a definite moment can be set the change may be said to have taken place under the bad government of John. The Great Charter said quite clearly that the king must keep the law — that he was bound by the concessions of the kings before him as though they were his own. The supremacy of his will had passed to that of the law; the authority of

¹ For this whole subject see Maitland, *Constitutional History of England*.

his person to that of the crown.¹ There was evidence of the change in the thoughts entertained of deposing both John and his successor, Henry III. Under the latter king, Bracton gave expression to the position "the king is below no man, but he is below God and the law". That was the point arrived at, in both England and Ireland, where we stand — great kingly power but very definitely the supremacy of the law — "all things are lawful to him for the government of his kingdom but nothing for its destruction."²

All this is vague and theoretical. If it meant anything in reality, it must manifest itself in the practical affairs of the realm. We find that this was so. The complement of the theory, in practice, was the expansion of the court of the king, his *entourage*, into every function of government. When Ireland was added to the realm, at the end of the twelfth century, its threefold functions were well established — firstly, the great officers or government; secondly, the council or parliament; thirdly, the court of law. Ireland was uniform in this development. The mistake of thinking that the Irish system, once set up, was left to itself and allowed to develop independently, has been made too often. Ireland benefited from every one of the changes which transformed the government of England from the rule of the king into the rule of law.

The first off-shoot of the court, the great officers, — later the government — appeared in Ireland too. At their head was the Justiciar³ with £ 500 a year, a

As a complement-expansion of his entourage.

Parallel movement in Ireland.

¹ Cf. Inquisitions of 1333, *R. S. A. I.*, Vol. 43, p. 137, lands held in Ulster of the king in chief as of the Crown.

² Quoted by Green, *A Short History of the English People* p. 157.

³ *Cal. Patent Rolls*, 4. 6. 1308.

delegate for the king, as was the English Justiciar during the frequent royal absences from England.¹ The Chancellor was the head of the Irish clerks, in charge of the new seal for Ireland.² The Treasurer³ of the Exchequer at Dublin had £ 40 a year and rendered account twice a year at the central Exchequer of Westminster, just as the Exchequers of Berwick or Carnarvon did.⁴ The Chief Justice of the Common Pleas and the later Chief Justice of the King's Bench, each had £ 40 a year.⁵ These were the chief officers of the government. The Provisions of Oxford had attempted to win the principle that they should be the nation's officers. But the time for that had not yet come. They were still, in 1300, the permanent officers of the king.

2. The Council.

Secondly, the council of the realm — in its fullest form a parliament, in its more frequent, a great council — was the same for Ireland too. Her permanent officers and magnates were liable to attend any council in England if their advice was needed on central affairs. At one time it was the Justiciar and Treasurer⁶ who were summoned and at another the Archbishop of Dublin.⁷ In Ireland, council meetings took place frequently, as the king needed guidance there. This Irish meeting was like the English one.⁸ The great officers were its nucleus;

¹ Maitland, *Constitutional History of England*, p. 133.

² *Cal. Documents* (Sweetman), Vol. V, 303; *Early Statutes*, 30 Henry III, Vol. I, p. 35.

³ *Cal. Documents* (Sweetman), Vol. V, 281; *The Red Book of the Exchequer*, part III, p. 974.

⁴ *Cal. Fine Rolls*, 5. 6. 1308, p. 23; *ibid.*, 19. 2. 1315, p. 282.

⁵ *Cal. Documents* (Sweetman), Vol. V, 281.

⁶ *Ibid.*, Vol. IV, 710.

⁷ *Ibid.*, Vol. V, 288.

⁸ There are, in Dublin University, four MSS. of the *Modus*

they required no summons. There were also present, as settled in John's charter, archbishops, bishops, abbots,

tenendi parliamentum. Two of them — *E. 3. 18*, f. 4 and *E. 4. 5*, p. 462 — are transcripts of the English *Modus*. *E. 4. 5* is the older and is bound up with *formulae brevium* of the reigns of Henry (II) and Richard (I), written by the same hand as the latter part of the work. The other two MSS. — *E. 3. 18*, f. 1 and f. 11 — are transcripts of the *Modus* for Ireland. The first, *E. 3. 18*, f. 1 begins: "Modus tenendi parliamenta et consilia in Hibernia. Henricus, Rex Anglie, conqueror et dux hibernie etc., mittit hanc formam Archiepiscopis, Episcopis, abbatibus, prioribus, comitibus, baronibus, justiciariis, vicecomitibus, maioribus, præpositis, ministris et omnibus fidelibus suis terre hibernie tenendi parliamentum." It is incomplete and breaks off in the middle of a paragraph dealing with the appointment of a justice in the absence of the king. Then follows: "Cætera desunt in antiquo manuscripto è quô ista desumpsimus." The second MS., *E. 3. 18*, f. 11 is a transcript of documents confirmed by Henry IV. They were: the *Modus* for Ireland, the oath to be taken by the Custos and the catechism of the king by the Metropolitan. In the seventeenth century Dopping, Bishop of Meath, had in his possession a *Modus* MS. which he thought was "the very Original Record" confirmed by Henry IV. If that were so his MS. would agree with our second transcript, *E. 3. 18*, f. 11. But the last paragraph, beginning "Ac etiam Rex vult ut absente rege . . .", incomplete in Dopping's MS., is complete in *E. 3. 18*, f. 11. In addition, there follows: "hanc formam Rex vult ut in terra sua hibernie in omnibus . . . observetur. Et quod in custodia Archiepiscopi Casselensis tanquam in medio terre hoc scriptum populo ejusdem terre remaneat custodiendo." Hence if this is a transcript of Dopping's MS. it must have been made before his MS. was mutilated. It is quite possible that our first MS. — *E. 3. 18*, f. 1 — is a transcript from Dopping's MS. as it agrees with it in substance and breaks off in exactly the same place, with the words quoted above. These two transcripts and Dopping's publication of his MS. (Pamphlets, No. 4) prove the existence of a *Modus* for Ireland. Their internal evidence supports the contention of Ware and Coke that the *Modus* was the work of Henry II. In proof of this it is only necessary to restate Dopping's arguments: (1) The *Modus* is said to be the work of Henry, "conquestor hibernie" — a title proper

earls and barons.¹ They met at the place which was most convenient at the moment; at Kilkenny or Dublin as, in England, at Northampton or Westminster. As the English parliament of 1254 added representative knights from the counties, and Earl Simon's parliament of 1265, burgesses from each borough, so 1297 saw the knights sitting in the Irish parliament² and 1299, the burgesses.³ The year 1300 saw a "model" parliament sitting in Ireland. The third estate was there, elected as in England by the communities of the counties, cities and boroughs and sent to parliament with authority to speak "as though all were present".⁴ Members of parliament came from all over the country. We have record of their coming from each of the five provinces of Ireland,⁵ even from Connaught,⁶ although this fact is little known. Further, the principle of Magna Carta, that taxation should be by consent (which forced the king to negotiate with each order separately) gave the king a subsidy from Kildare⁷ as from Bedfordshire; from the clergy of Ferns

only to Henry II; (2) The style of the Custos is "procurator terre" — a title used in the reign of Henry II and disused later (3) The last provision, for choosing a justice in the absence of the king, was exercised after Strongbow's death, in 1176. For the most recent discussion of "Modus" MSS. see *English Historical Review*, Vol. 34, p. 209 *et seq.*

¹ *Early Statutes*, 1. H. III.

² *Ibid.*, 25 Ed. I.

³ *Ibid.*, 28 Ed. I, Vol. I, p. 227.

⁴ *Ibid.*, 27 Ed. I.

⁵ *Ibid.*, 25 Ed. I, p. 197.

⁶ *Cal. Justiciary Rolls*, 1295, p. 73. No impediment is to be put in the way of those coming from Connaught to parliament at Kilkenny.

⁷ *Ibid.*, 1299, p. 209. The chief roll of the fifteenth in the Exchequer gave the assessment of each tenement. *Ibid.*, 1307, p. 354. The fifteenth from Ulster alone brought in £ 500.

or Cloyne¹ as from those of Norwich; from the merchants of Galway or the Ulster ports² as from Lynne or Boston.

Thirdly, in Ireland as in England, the court of law assumed three distinct divisions. The Exchequer saw to the royal revenue and dealt with all cases connected with it. In 1293, its authority was strengthened by the control it was given over the Irish sheriffs.³ In this Ireland was only brought into line with the procedure which had been adopted in England. The court of Common Pleas dealt with cases between subject and subject. It was permanently fixed at Dublin,⁴ as the English court at Westminster. The King's Bench was, principally, the court for pleas of the Crown. It was held before the Justiciar and travelled about with him.⁵ In 1280 we see it passing through Limerick, Clonmel and Waterford.⁶

The business before all three courts was the king's business. It had been extended so widely that when it was satisfied, there was not much scope for justice other than the king's. In Ireland, as in the rest of the realm, a broad control was kept over all land through the necessity for tenants of the king to use his courts. But further, no man might be disturbed in his actual possession

¹ *Pipe Rolls*, 16 Ed. II.

² *Ibid.*, 8 Ed. I.

³ *Early Statutes*, 21 Ed. I, p. 191.

⁴ *Early Statutes*, 1. H. III, Vol. I, p. 11. Edward I did not confirm the Charter for Ireland, so the Justiciar, sitting at Ross, refused to hold that Common Pleas might not follow the court. It was confirmed 13 Ed. II (*Cal. Justiciary Rolls*, pp. iv and 158).

⁵ *Reports of Deputy Keeper of Public Records* (Ire.), 1872, Early Rolls, Rec. Rep. I. i., Proceedings before the Justiciary. This court was held *Coram justiciario* until after Richard II had visited Ireland when it became *Coram rege* and thus the same as the King's Bench in England.

⁶ *Pipe Rolls*, 8 Ed. I; *Cal. Justiciary Rolls*, Vols. I and II.

3. The court of law.

The King's business.

of the land whether he were there rightfully or not, except in the king's courts. The life and limb of every man were reserved to the king's care. Rape, arson, fore-stalling and treasure trove were peculiarly royal pleas, while all trespass was covered by the conception that it was breach of the king's peace. If anything remained outside, there were many expedients by which it might be taken in. The writ *præcipe* or a commission of inquiry gave the crown the instrument it sought.¹

The means for carrying this universal justice over the land was found by Henry I in the itinerant justices. They were justices of one of the royal courts who passed through the counties regularly, collecting up the business of the crown. In Ireland they received 40 marks a year.² We can see them acting for Limerick³ or Cork⁴ or fining the whole county of Tipperary⁵ for a breach of law. We can see the constables of the king's castles coming before them⁶ or the Archbishop of Dublin in the eyre through his county.⁷ In a difficulty we find them referring their doubts about interpretation to the English court.⁸ Their eyres occurred but seldom, only once in five or seven years. There was business of the king's which needed to be collected up much oftener. The work connected with possession was heavy. To deal with it, commissions

¹ Maitland, *Constitutional History of England*, pp. 105—114.

² *Cal. Documents* (Sweetman), Vol. V, 3.

³ *Pipe Rolls*, 51 H. III.

⁴ *Cal. Documents* (Sweetman), Vol. V, 3. *Cal. Justiciary Rolls*, p. iv.

⁵ *Pipe Rolls*, 25 Ed. I; 6 Ed. II; *Cal. Documents* (Sweetman), Vol. V, 618.

⁶ *Cal. Documents* (Sweetman), Vol. V, 384.

⁷ *Cal. Close Rolls*, 18. 7. 1310, p. 272.

⁸ *Early Statutes*, 20 H. III, Vol. I, p. 30.

were granted to special justices¹ who went three times a year through the counties, taking the three possessory assizes, *Mort D'Ancestor*, *Novel Disseisin* and *Darrein Presentment*. Four knights elected by each county were joined to them and together they sat, in the hall and on the day of the county court, to do their work.² We can see them at Killmallock³ or Athenry,⁴ inquiring of the actual possession of the land. For the king's criminal business certain other justices passed through the land under commission of gaol delivery. It might be the prison of Kildare⁵ that was to be cleared or it might be the criminals of County Waterford⁶ who waited for their coming.

The special boon given by the royal courts was trial *Trial by jury.* by jury — the witness of a man's neighbours. Once begun, it swallowed up all older modes of trial and extended far beyond the royal jurisdiction. In the progress of the centuries, we have found that it is the nearest we can come to justice. Since this is so, we look anxiously to see if such freedom and fairness were extended to Ireland. We find that the jury system was there in the same full form as in the sister kingdom. Firstly, there is the jury summoned to the central court when in the trial of a case an issue of fact has been raised. We see such juries travelling up to Dublin from

¹ *Early Statutes*, 1. H. III, Vol. I, p. 11. At first, these judges went four times a year on circuit, but this was later changed to three times. *Cal. Documents* (Sweetman), Vol. V, 57.

² *Early Statutes*, 1. H. III; *Cal. Documents* (Sweetman), Vol. V, 617; *Gormanston Register*, p. 122.

³ *H. M. C.*, Report IX, App. p. 267.

⁴ *Cal. Justiciary Rolls*, 1305, p. 65.

⁵ *Ibid.*, 1297, p. 175.

⁶ *Ibid.*, p. v.

Kerry¹ and from Ulster.² Secondly, there is the assize or jury to witness to possession. We see the sheriff of Kilkenny³ or of Gormanston⁴ having these jurors before the justices. Thirdly, there is the jury called when a man has chosen to put himself "upon the grand Assize" or "upon the country". We can see men choosing this form of trial before the itinerant justices at Cashel,⁵ in gaol delivery at Limerick or before the Justiciar in Tipperary.⁶ Lastly, the presenting jury is there too — Drogheda is bound to present its men who plundered marching to the north.⁷

The Liberties.

Everybody knows vaguely that all this machinery was in existence in Ireland, but few know how effective was the rule of law. The general impression seems to be that great fiefs were created in Ireland and then allowed to rear themselves into independence. Most people believe that the hand of the king was weak and the rule of law non-existent or confined to a narrow strip on the eastern coast. Such grants as those of Ulster and Meath are generally instanced as great independent kingdoms. If this was so the claim that there was a general rule of law cannot be established. If there was even one lord who stood outside control the law was not supreme. Therefore it is of the first importance that we should understand the position of the Irish liberties and the extent of their freedom.

¹ *Cal. Justiciary Rolls*, 1295, p. 19.

² *Ibid.*, 1297, p. 87.

³ *Gormanston Register*, p. 122.

⁴ *Ibid.*, p. 23; see also *Cal. Inquisitions*, Vol. II, p. 253.

⁵ *Cal. Justiciary Rolls*, 1307, p. 443.

⁶ *Ibid.*, 1295, pp. 3 and 13; *Gormanston Register*, p. 127.

⁷ Gilbert, *Historic and Municipal Documents of Ireland*, No. 84, Section 10; *Cal. Justiciary Rolls*, 1297, p. 167, each cantred presents its criminals by 12 jurors; see also p. 171.

The grant of Meath was held "in wood and plain, meadow and pasture, waters and mills, vivaries and ponds, fishings and huntings, ways and paths and ports of the sea and in all other places and things belonging, with all other liberties which he (the king) has there and can give to him," by the service of 50 knights.¹ Ulster was held as freely by the service of one knight's fee for every cantred.² These grants have the sound of royal freedom. Only one condition is attached — the service of so many knights. But when that is said of any land, it means that it is held by military service, which implies at once that the lord cannot get rid of an acre or take in an acre or give any to a church, unless the king allows it.³ At any moment, if he does wrong, the whole thing goes back to the king's hand.⁴ All through his tenancy the king has a claim upon it, and when he dies this claim may leave it in the hands of royal officers for many years to come.⁵ It does not exempt him from attending councils or parliaments both in England and Ireland. The greater he is, the heavier is this burden. No man was called more frequently out of Ireland than the Earl of Ulster. It does not change one iota of his subservience to the law. In the eyes of the law he is simply a tenant-in-chief of the king. As such the greatest nobles

1. The position of the lord.

¹ *Gormanston Register*, p. 6.

² *Cal. Documents* (Sweetman), Vol. I, no. 263; *Gormanston Register*, p. 141.

³ *Cal. Documents* (Sweetman), Vol. V, 436, 437. The Earl of Ulster asked leave to found two chantries in Connaught and to acquire some land marching with his.

⁴ *Ibid.*, Vol. V, 32. The liberty of Kildare was forfeit to the king for false judgment, the liberty of Trim for contempt (V, 146). Both had to be tried in the royal courts.

⁵ *Pipe Rolls*, 9 Ed. I; 2 Ed. III.

of Ireland are under the full jurisdiction of the royal courts. The Earl of Ulster was appealed in the county court and tried during the eyre of the Justiciar.¹ When the liberty of Trim was taken into the king's hand, the case was tried in the Exchequer court.² Walter and Hugh de Lacy came before the King's Bench and there chose trial by jury for the crime they had committed.³ Eustace Power was thrown into Limerick gaol and thence delivered by ordinary gaol delivery.⁴ Fitz Thomas and Cogan bring their action of possession before the justices of assize,⁵ while the itinerant justices call the Archbishops of Armagh and Dublin⁶ before them, just in the ordinary routine business of the district. These are the great men, many of them lords of liberties, who are thought to have lived in virtual independence in Ireland.

2. His jurisdiction. So much for the lord's own relations with the law. Within his land, what was his power? What was his "liberty", his "franchise", of which we have heard so much? In the first place the grant was not absolute. It had to be confirmed to each new possessor. In these confirmations the crown could find an opportunity for new reservations, limiting the grant. In the second, all church land within it was outside his power. The rule of "the crosses" was reserved to the king "as well within liberties as without."⁷ Then the four royal pleas — rape, arson, forestalling and treasure trove — were almost invariably

¹ *Cal. Justiciary Rolls*, 1297, p. 120.

² *Cal. Documents*, Vol. V, 170.

³ *Plea Rolls*, X Ed. II (*Chartularies of S. Mary's Abbey, Dublin*).

⁴ *Gormanston Register*, p. 127.

⁵ *H. M. C.*, Report IX, App. p. 267.

⁶ *Cal. Justiciary Rolls*, 1297, pp. 102 and 103.

⁷ *Early Statutes*, 19 Ed. I, p. 183.

reserved. The liberty of Kildare was wide but these were outside its power.¹ These four pleas covered a goodly number of cases and brought royal justice frequently into play. The lord had, then, a feudal court — a court baron — with his officer, the seneschal, as judge.² As this was purely a civil jurisdiction he tried to extend it more widely. Sometimes he got the right to take in criminal cases. This was known as court leet and meant that the lord had acquired the rights of the hundred or county courts. But every extension had to be claimed by special grant. Johanna de Valence claimed, as one of the parcners of Leinster, that she should have "cognisance of pleas which appertain to the justice and sheriff ... except the four royal pleas." She had to prove sufficient warrant before she was allowed the cognisance.³

If the claim were good, the lord, roughly speaking, could deal with all causes, criminal and civil, between his tenants in the liberty. That was his widest claim but the reservations and corrections of the royal courts, made it, in fact, something very narrow. The royal jurisdiction was gradually eating into the life of the liberty court as it was doing into old county jurisdiction. The lord's control over cases of injuries to life and limb was fast diminishing. For these, the king's writs of inquisition were freely given.⁴ They could be included under breaches of his peace. The king's control over trespass was being pushed further every day. An increasing number of cases

¹ *Pipe Rolls*, 45 H. III; *Cal. Justiciary Rolls*, 1297, p. 171. The jurors of a cantred in Kildare present that the seneschal of the liberty erased "forestall" which would have made the case one for the crown.

² *Gormanston Register*, p. 17.

³ *Cal. Justiciary Rolls*, 1307, p. 352; cf. *Cal. Documents*, II, 1666.

⁴ *Early Statutes*, 1. H. III, Vol. I, p. 15.

were included under the meaning of the term, and it was acquiring a public character by which the king had his part in the injury as well as the person injured. This was what underlay an order to the seneschal of Kilkenny to attach X "to answer as well the king as William and John."¹ Once the king's interest could be attached to a case, it became his. His courts were very grasping about these things. The liberty courts had to watch their privileges carefully or they were quickly swallowed up. Over and over again the seneschal came to the royal court² and claimed the case for his lord's court, but only got it if the Justice found that it could not be withheld — "nor can anything be said for the king wherefore he ought not to have it."³ The king's cases brought the royal court into the liberty with frequency. Everything had to be in readiness, prepared by the officers there. The seneschal saw to this with care, for the slightest lapse meant the forfeit of control. These cases of the king's were rigidly reserved. The only dealing that the lord could have with such felons was their pursuit⁴ and imprisonment, their presentation to the king's court and the finding of a jury of the liberty to try them. It was the seneschal of Meath who was answerable for the cases of Meath when the Justiciar sat at Mullingar.⁵

¹ *Cal. Justiciary Rolls*, 1305, p. 164.

² *Ibid.*, 1305, p. 38; 1305, p. 466. Two men were charged with the death of an Irishman. The seneschal of Wexford claimed the case because "he was remaining as a man of peace in the liberty." The jurors said that this was so and the felons were delivered to the seneschal for justice.

³ *Ibid.*, 1305, p. 51.

⁴ *Early Statutes*, 13 Ed. I, Vol. I, p. 55.

⁵ *Cal. Justiciary Rolls*, 1297, p. 79; cf. *ibid.*, 1306, pp. 508-512.

On the civil side, the lord was almost equally limited. He was not allowed to touch the freehold land of his tenants unless upon the king's authority.¹ Even then, if his justice was not satisfactory, the case might be removed at once into the county court and thence into the king's.² The writ *præcipe* gave the same corrective power to the king.³ The county court of Dublin had been acting in this capacity for the defaults of Ulster, Meath and Kildare.⁴ In 1297, it was felt that the burden was too heavy. County courts and sheriffs were given to each of the three districts separately.⁵ Lastly, the lord's claim to have even these limited rights was subject to inspection by the itinerant justices as they travelled through the land.⁶

Their "liberty", then, amounted to this: it was "without the bounds of any county"; it was a piece of land cut off from county administration. It might be less than a county, like Trim; it might be coextensive with it, like Wexford; or it might embrace many counties, like Ulster. Its ordinary jurisdiction and profits belonged to its lord. It was a unit of itself, dealing with the crown, when it had to do so, through its own officer, the seneschal. Through him, the knights and burgesses

¹ *Early Statutes*, 9 John, Vol. I, p. 3.

² *Ibid.*, 6 John, Vol. I, p. 3. Writs of right were to run throughout the entire land of Ireland; cf. *Cal. Justiciary Rolls*, 1297, p. 89, when the king's court proceeded on a writ of false judgment.

³ *Gormanston Register*, p. 160. We see the court of the liberty of Kildare acting on the writ *præcipe*.

⁴ *Cal. Justiciary Rolls*, 1297, p. 85. The sheriff of Dublin is ordered to take four men and go to Geynville's liberty court of Trim, because X "complains that wrong was done him in that court." See also 1297, p. 89.

⁵ *Early Statutes*, 25 Ed. I., Vol. I, p. 197 *et seq.*

⁶ *Ibid.*, 13 Ed. I., Vol. I, p. 87.

of the liberty were summoned to parliament;¹ through him, the debts,² customs,³ subsidies,⁴ etc., were paid directly to the Exchequer; through him, the king's cases of the liberty were brought before his justices and courts.⁵ There was nothing in the liberties which was either peculiar to Ireland or incompatible with the rule of law. They must be considered, not as a break in the fundamental uniformity of government, but as an alternative form of administration.⁶ Within them, the king allowed the lord to administer his district and to have the profits of it, but all the time it was kept under the most careful control.⁷ About the close of the thirteenth century we may number six of such administrative districts — Ulster,

¹ *Early Statutes*, 25 Ed. I, Vol. I, p. 197.

² *Pipe Rolls*, 45 H. III; *Cal. Justiciary Rolls*, 1306, p. 205.

³ *Ibid.*, 8 Ed. I; 16 Ed. I; 8 Ed. II.

⁴ *Early Statutes*, 28 Ed. I; *Cal. Justiciary Rolls*, 1307, p. 354.

The fifteenth from Ulster brought in £ 500. Special receivers were appointed to collect it in the liberty.

⁵ Cf. *H. M. C.*, Report VI, App. p. 293, gaol delivery at Ipswich. Counsel for the king claims that cases in a liberty should be brought by the sheriff before the justices. The lord of the liberty claims that he has the right. The jury find that this is so.

⁶ *Early Statutes*, 13 Ed. I, Vol. I, p. 133 "As it has been said of sheriffs so be it observed of every bailiff of a franchise"; *ibid.*, p. 55 pursuit of felons "as well within franchises as without"; *ibid.*, 25 Ed. I, p. 207, to be punished by justices, sheriffs and seneschals; *ibid.*, 13 Ed. I, p. 131, enumeration of courts — Justices in eyre, Common Pleas, King's Bench, Justices of Assize, County Court and Court Baron. Cf. *English Historical Review*, Vol. 35, p. 191.

⁷ *Ibid.*, 13 Ed. I, Vol. I, p. 75 Punishment for exceeding the power of a franchise; *ibid.*, p. 165 Sometimes sheriffs answer "that they could not execute the king's precept on account of the resistance of some great man. Whereof let the sheriffs beware from henceforth, for such answer redounds much to the dishonour of the lord the king" etc.

Thomond, Kilkenny, Carlow, Wexford and East Meath.¹ Two others, Kildare and West Meath, were at the moment in the hands of the crown.²

The crown had no great difficulty in the thirteenth century with the church and city franchise courts, the two other jurisdictions from which competition might have come. In 1233 the church courts were definitely limited to cases dealing with marriage and testament.³ The struggle to resist such limitation was led by the Archbishop of Dublin who appealed to Rome.⁴ He seems to have relied on the feudal jurisdiction, which was his right as lord of the archiepiscopal manors, to cover the larger jurisdiction which could only be claimed by virtue of his office. His attempt to confuse the two failed. In 1266 the limitation of 1233 was confirmed.⁵ His jurisdiction as feudal lord was left to him, but his office was

¹ *Early Statutes*, 25 Ed. I, liberties of Meath, Wexford, Carlow, Kilkenny and Ulster; *ibid.*, 28 Ed. I, liberty of Geynville (Trim), of Wexford, Carlow, Kilkenny; *Cal. Justiciary Rolls*, 1297, p. 82, liberty of Kildare; p. 101, of Carlow; p. 219, of Wexford; in 1299, the Sheriff of Dublin was acting for Ulster, Carlow, Trim, Kildare, Kilkenny and Wexford; *Cal. Documents* (Sweetman), V, 32, 1301, liberty of Wexford; *ibid.*, 170, liberty of Trim; *Cal. Inquisitions*, Vol. V, p. 232, 6 Ed. II, liberty of Kilkenny; *ibid.*, Vol. VI, p. 160, liberty of Thomond.

² Orpen, *Ireland under the Normans*, III, pp. 261 (and note 2) and 287. In 1280 the de Verdun moiety of Meath (the western part) was taken into the hands of the crown; Vol. IV, p. 40, note, Kildare passed to the crown in Feb. 1297 when William de Vesci surrendered the liberty of Kildare to the king.

³ *Early Statutes*, 18 H. III, p. 24; *Cal. Liber Niger and Liber Albus*, p. 65, no. 119. In England matrimonial and testamentary causes only, are heard in Courts Christian. The king "enjoys similar liberty in Ireland."

⁴ Gilbert, *Historic and Municipal Documents of Ireland*, p. 172.

⁵ *Ibid.*, p. 179.

to be exercised only "so far as regards ecclesiastical discipline". An attempt on the part of the courts christian of Cork to take in other cases was quashed at once¹ and there for the moment the matter ended. The city courts claimed their judicial rights from their charters.² These gave them, broadly speaking, the privileges of a court baron. We have already seen how little this might mean in reality. The towns were subject to the same limitations,³ but their power was even less than that of the lords for the thirteenth century was the century of their beginnings. The day when they entered the lists as real competitors for justice had yet to come.

Thus at the opening of the fourteenth century, Ireland, like England, was under the rule of law. We do not claim that this rule was universal. Our contention is that it *comprehended* the whole country, that it was being enlarged every day and that it was capable of extension, at any moment, over the whole. In conclusion, take one example, which speaks for its supremacy in a practical way. The use of the king's writ is the witness to the compulsion of the law. When we find that the simplest of the people redress their wrongs, not by violence, but by procuring a writ and pleading it in court; when the king himself answers a charge of injustice, "let a writ be shown and justice shall be done"⁴ — the law is indeed supreme from the top to the bottom of the scale, from the king to the poorest commoner.

¹ *Pipe Rolls*, 21 Ed. I.

² Charters of Dublin (*Records of Dublin*, Gilbert, Vol. I) and Cork (*Cal. Charter Rolls*, 20. 6. 1318, p. 390) may be compared with those of York (*ibid.*, p. 328), *Ipswich* (p. 344) and *Lincoln* (p. 312).

³ *Pipe Rolls*, 5 Ed. I. Dublin was taken into the king's hand for a misdemeanour.

⁴ *Early Statutes*, 19 Ed. I, Vol. I, p. 179 *et seq.*

CHAPTER IV.

The Position of the Irish.

Under this system of law which formed an elaborate network over the country, what was the position of the conquered race, the Irish? The answer to this question must be the foundation of our history. Unless we face it broadly, we cannot hope even to approach the true position.

When Henry II followed the conquests of his barons with a royal visitation, it was the signal for the submission of the country to begin. O'Brien and MacCarthy, kings of Munster;¹ O'Rourke, King of Breffny and Meath;² MacMurrough³ and the kings of the other parts of Leinster;⁴ O'Carroll, King of Uriel and the kings of Uladh or East Ulster⁵ submitted at his coming. As there was no O'Neill at the moment the Cinel Owen submitted at a later date;⁶ O'Conor, King of Connaught in 1175.⁷ "So that", as Keating says, "there was no king or leader or lord in Ireland who did not at that

¹ Orpen, *Ireland under the Normans*, Vol. I, pp. 259, 261.

² *Uls., Cé*, 1171.

³ *Fragments of Annals* (*Revue Celtique*), 1171; *Art MacMurrough* (D'Arcy Magee) Ch. I.

⁴ *Uls., Cé*, 1171. Orpen, *Normans*, Vol. I, pp. 262, 264.

⁵ *Uls., Cé*, *Fragments of Annals* (*Rev. Celt.*), 1171.

⁶ 4 M., 1248. The Cinel Owen decided that "as the English of Ireland had at that time the ascendancy over the Irish, it would be advisable to give them hostages and to make peace with them for the sake of their country." It is probable that there was an earlier submission as the Cinel Owen gave hostages to the English in 1238 and Henry III called on O'Neill for help in Scotland in 1244 (see *Close Roll*, 28 H. III, p. 255, cited by Orpen, Vol. III, p. 258).

⁷ *Gesta Henrici* (Ed. W. Stubbs), Vol. I, p. 101—3, see below pp. 36 and 37.

time make submission to the King of England and acknowledge him as their lord".¹ Giraldus Cambrensis adds: "all the princes of Ireland voluntarily submitted to Henry II, King of England".² And their submission was very full; as full as they and the English could make it. It was sealed by an oath of fealty; by doing homage and giving hostages; by payment of tribute and acceptance of the king's officers in their lands.³ Many of their subject kings submitted too. But there was even more than this. Fortunately, there was a king of all Ireland at the time. Rory O'Conor was head of the provincial kings and so *ard-ri* of Ireland. More fortunately still, his agreement with the English king is left to us. In 1175, his envoys journeyed to Henry II, and with him made the treaty of Windsor,⁴ which settled quite definitely the relations of the two. The king of Ireland became Henry's liege man, prepared to do him service as a vassal. In return, he was to have Connaught, for which he was to render tribute and hostages, so long as he should faithfully serve the crown. As to his under-kings, the provincial kings who had submitted, he was to be their overlord; to enforce their tribute and obedience to the English crown, if necessary, with English officers and troops.⁵ Over the con-

¹ Keating, Vol. III, p. 345.

² Cambrensis, *Expug. Hib.* Bk. II, ch. VII: see also *Fragments of Annals* (Rev. Celt.), 1171. King Henry "after taking the southern half of Ireland and the eastern part of the northern half returned to England."

³ Orpen, *Ireland under the Normans*, Vol. I, p. 259; Cambrensis, *Expug. Hib.*, ch. XXXI.

⁴ Quoted by Orpen, Vol. I, p. 349.

⁵ 4 M., 1225. The O'Conors made frequent calls on the troops of the Justiciar; *Pipe Rolls*, 4 Ed. I. "To W. Cadel to succour O'Dymsey against hostile attacks."

**The Treaty of
Windsor, 1175.**

quered lands, the king's "dominion", he was to have no power, but he was to instruct the Irish who had fled from them that they might return to the lands of the king's barons in peace and hold them either by tribute or by service. It was exactly the arrangement made in Wales. The part under the king's direct rule was his dominion, but over the whole he was sovereign lord.¹

Thus the treaty embraced three classes of Irishmen — the Irishry, the Irish of the king's dominion and the Irish enemy. The place of each must be examined separately before judgment can be passed on the position of the Irish as a whole.

The position of the tributary kings, the Irishry, The Irishry. was quite definite. Land was left for MacMurrough in Leinster,² for O'Melaghlin in Meath,³ for O'Neill in Ulster,⁴ for O'Conor⁵ and O'Brien⁶ in the west and south. As subjects, their military aid was something on which the king could call.⁷ They paid their tribute directly to the Exchequer.⁸ They were intendant to

¹ *Early Statutes*, 13 Ed. I, Vol. I, p. 61.

² Orpen, *Ireland under the Normans*, Vol. I, p. 390.

³ *Ibid.*, Vol. II, p. 90.

⁴ Orpen, "O'Neill does not seem to have lost any territory for many years, with the exception of his over-lordship of Uladh, see *Cé*, 1230."

⁵ Orpen, *Ireland under the Normans*, Vol. III, pp. 137, 226, after 1235, this land was the 5 cantreds of the king: Omáin, Tirmany, Moy Ai, the Three Tuaths and Moylurg-Tirerril.

⁶ *Ibid.*, IV, p. 54.

⁷ *Parl. Writs and Writs of Mil. Sum.*, p 111; *Cal. Close Rolls*, 28 H. III, p. 255; *Cal. Doc.* (Sweetman), I, 2716, cited by Orpen, III, p. 137, see also pp. 46 and 229; Gilbert, *Facsimiles of National MSS.* II pl. 73. "The same Bren (O'Neill) ruler of Kenel £ 100 of aid of the lord the king to sustain his war in Gascoigne."

⁸ *Pipe Rolls*, 45 H. III.

the government at Dublin¹ and received the letters patent of the king.² In law, these five kings and all of their blood were "esteemed freemen" and used and enjoyed English law.³ They were under the king's courts for correction and paid his fines.⁴ Nor must it be thought that the Irishry did not appreciate the position or that they treated it lightly. After one hundred years, the list of Irish kings to whom the king writes on a change of administration or for aid in war, speaks for itself. O'Brien and O'Neill still are under a rent of money and cows payable to the Exchequer in 1261.⁵ Throughout the century, the courts are con-

Extent of control. cerned with their crimes. O'Conor is tried before the Council on a criminal cause.⁶ Land is recovered from O'Brien in the king's courts.⁷ O'Conor is fined for making entry without license.⁸ The king's peace is broken by the trespass of O'Melaghlin; he has to pay a fine to come under it again.⁹ MacMurrough has failed to appear when called; he owes £ 300 for contempt and must find pledges for the payment.¹⁰

But further than that the royal jurisdiction did not go. The subject king was free to rule his territory by his Irish law, the Brehon Code. By this treatment, nothing new or peculiar was created. A presentment

¹ Rymer's *Fœdera*, p. 262.

² *Pipe Rolls*, 15 Ed. I.

³ Davies, *Discovery* etc. (Edn. 1747), pp. 103—4.

⁴ *Pipe Rolls*. 46 H. III; 5 Ed. I; 11 Ed. I; 15 Ed. I.

⁵ *Ibid.*, 45 H. III.

⁶ Cé, 1226; cf. Orpen, *Normans*, III, pp. 166—70.

⁷ *Cal. Inquisitions*, Vol. II, p. 253.

⁸ *Pipe Rolls*, 15 Ed. I.

⁹ *Ibid.*, 5 Ed. I.

¹⁰ *Ibid.*, 11 Ed. I.

of Englishry was good in Norman law.¹ The Statute of Rhuddlan² made it an accepted thing to stand "in the Welshry according to Welsh law".³ In Ireland, the English Crown had ample precedents to leave to the loyal Irish kings their Irishry and Irish law. This whole class was the "meere Irish" of Elizabethan days, with whom Davies was concerned. The term has not the meaning of our present "mere", but signified the "pure" Irish, as distinct from those who had intermixed with the English in the king's dominion.

Since their Brehon law was left to them, they were necessarily outside the English common law;⁴ but there was no hard and fast barrier between the two. It was possible to pass from the Irishry to the use of English laws by letters patent.⁵ The privilege was much sought after, so much so that in 1280 Edward I. summoned an Irish parliament to inquire if a wider extension of the law were desirable.⁶ Apparently the

Admission to
English laws.

¹ Pollock and Maitland, *History of English Law*, Vol. I, pp. 90 and 91.

² Seebohm, *Tribal System in Wales*, p. xxvii.

³ *Cal. Patent Rolls*, 26. 2. 1317.

⁴ Davies, *Discovery* etc., p. 112. In a case of homicide the defence pleaded that the man slain was Irish. The jury answered that the man was English and the case proceeded according to English law.

⁵ *Cal. Patent Rolls*, 8. 11. 1279, p. 332. License to Irishmen to use English law and custom "and not be treated by other laws and customs against their will, but in life and death henceforth to enjoy English liberty" *Cal. Documents* (Sweetman), V, 378, 379, 392. *Gilbert's Documents*, App. XIV.

⁶ *Cal. Patent Rolls*, 10. 6. 1280, p. 380. Orpen, *Ireland under the Normans*, IV, pp. 21—23. In 1277 Ufford reported that the Irish (probably only those of Wicklow) offered 7000 marks for the common laws of England. The king was favourable to the proposal and desired the opinion of the magnates. In 1280 he again asked

answer satisfied the crown that nothing more could be done at the moment; but after that time the numbers of these grants by letters patent steadily increased.¹ It must be understood that the admission to English law only by letters patent, was as much an attempt to keep the bargain with the loyal Irish kings that they should rule their people by the Brehon code, as a check to the promiscuous extension over the whole country of the common law. When the English came first, the privilege was to be allowed to keep the old law, but after a very few years the position was reversed and the privilege was to be allowed to come under English law.

The death of
one of them.

The situation created by the dual system of law presented great difficulty. One antagonism in particular was fruitful of much harm. The Brehon law fixed a money fine, an *eric*, as the punishment for murder.² At the time when Ireland was conquered the fine for murder still held a place in English law,³ so that little difficulty was presented if an Irishman were slain by an Englishman. A money composition was agreeable

their advice, but their answer it not known "presumably they pointed out the unreality of the proposal and the utter impracticability of its enforcement over large tracts in Ireland . . ."

¹ *Cal. Patent Rolls*, 6 and 7. 6. 1319, pp. 339, 342. After Bruce's invasion the Justiciar's power of granting these letters was renewed and the newly created Earls of Kildare and Louth were given the power of receiving Irishmen into English laws. *Cal. Documents* (Sweetman), III, 622 (date 1290) "the king can inspect a transcript of a letter enrolled in chancery and granted to others in Ireland whereby the king gained £ 3,000 in one day in that country."

² Joyce, *Brehon laws*, iii, 69; IV, 245; Orpen, *Normans*, I, pp. 120—3.

³ Maitland, *Constitutional History of England*, p. 110.

to Irish law and known to English, so it was allowed to stand. But the system of money composition was breaking down and capital punishment was taking its place in English law,¹ while the *eric* remained unchanged in Irish. Through the subject kings, the punishment of Irish law, the *eric*, had a claim on English consideration, which the magnates were not slow to advance when it served their ends. It was hard to solve the difficulty and do justice to both sides — so hard that in 1228 Henry III ordained that for the moment the question was to remain open.² Apparently the fine was allowed to stand, for in 1297 the Irish parliament stated that different modes of punishment were necessary for the slaying of English or Irish.³

But the differentiation could be nothing but a source of danger to the power of law. It could not be right that the same man for the death of an Irishman and for the death of an Englishman should receive different punishments. Even though a money fine satisfied the Brehon law and the parents of the murdered

¹ Maitland, *Constitutional History of England*, p. 110.

² *Early Statutes*, 12 H. III, Vol. I, p. 23. The Justiciar was directed to call the archbishops, bishops, abbots, priors, earls, barons, knights and free tenants, and the bailiffs of the several counties and publicly to read the Charter of King John giving the same laws to Ireland as to England. This ordinance was to be proclaimed and kept throughout the several counties of Ireland "excepting that of the death or of the chattels of Irishmen slain, nothing be decided on our behalf before the quinzaine of Michaelmas in the twelfth year of our reign upon which point we have given respite to our magnates of Ireland until the said term."

³ *Ibid.*, 25 Ed I, Vol. I, p. 211. Englishmen sometimes dressed like Irishmen and often were reputed to be Irish. If one of them were slain a difficulty arose as different modes of punishment were necessary for the slaying of each.

Irishman, the existence of the heavier capital punishment for Englishmen slain, was bound to cheapen the lives of the Irishry and to weaken English law and authority.

While we can understand the extreme difficulty of accommodating the two systems when they met, we cannot see why there should have been any difference once the Irishman passed under English law. And yet for a long time the money fine was used for his death although composition for murder was passing from the common law. This inequality became more glaring every day as English law progressed nearer to capital punishment and further from the money fine. In 1321 this aspect of the question was brought forward at Westminster,¹ and a remedy was sought. It was shown that because Irishmen admitted to English law "did not enjoy the said law of life and limb, the king's peace in that land had often been broken and malefactors being unpunished took courage to commit many felonies." Therefore, it was decided that henceforth all Irishmen coming under English law should drop the *eric* and use the English law of life and limb.

2. The Irish of the King's dominion.

So much for the subject kings and the Irishry. As regards the other Irish, those of the conquered lands — the king's dominion — the Treaty of Windsor made definite provision for them too.² There was no wish to

¹ *Cal. Patent Rolls*, 20. 1. 1321, p. 563.

² See p. 37. It must be noticed that Sir John Davies has dealt only with the position of the 'mere Irish' — the Irishry. He did not see that apart from them there was this whole class of liege Irishmen — the men of the king's dominion. And hence from the position of the mere Irish he has drawn conclusions regarding Irishmen as a whole. His work bears such a stamp of authority

drive them out of the land of the king's barons, rather they were to be encouraged to come back and settle down. But if they chose to do so, they came back on a definite footing. They came straight into the English system with its privileges and restraints. They came under every tenure. For example, a MacGilmeholmoc,¹ Their tenures. a MacDowell or a MacGoffrey² (sic) held by knight service. Maguire, MacMahon, and O'Hanlon held serjeanties of the Earl of Ulster.³ O'Brien held by a money rent and suit,⁴ while those holding by villein tenure, the *betaghs*, were numerous on every estate.⁵

In the free life of the towns they took their part on an equal footing with their English neighbours — “by Their place as freemen. custom used hitherto . . . in this land, *hibernici* made burgesses are free in the same as Englishmen.”⁶ Dublin

by its ability and sincerity that historians such as Richey, Joyce, D'Alton and Walpole have been satisfied to take his presentation without inquiry into the original legal documents.

¹ The following note was given to me by Dr. Orpen. “King John granted 15 carucates to Dermot MacGilmeholmoc to hold by the service of one knight and two otter skins (chart., 9 John m. 5, p. 173). The carucates were in the barony of Rathdown (Co. Wicklow) and Dermot's descendants held them for many generations.” See Miss Bateson's Irish Exchequer Memoranda. *Eng. Hist. Rev.*, Vol. 18, p. 501 and note 45, also p. 512.

² Gilberts *Documents*, 81, no. 30; cf. *Cal. Documents* (Sweetman), IV, 551.

³ *Cal. Inquisitions*, Vol. VII, p. 378.

⁴ *Ibid.*, Vol. II, p. 433.

⁵ *Cal. Documents* (Sweetman), Vol. IV, p. 551; Vol. V, p. 653. *Pipe Rolls*, 9 Ed. I; *Cal. Charter Rolls*, 14. 5. 1316, p. 307; *Gormanston Register*, pp. 111, 113, 114 etc.

⁶ *Cal. Justiciary Rolls*, 1305, p. 352. “By custom used hitherto as well in the said burgh (Drogheda) as in other cities and burghs in this land, *hibernici* made burgesses are free in the same as Englishmen, especially as to the disposition of their goods and tenements which they had in such burghs and cities.”

and Drogheda had their Irish citizens and burgesses.¹ Dublin had its Irish merchant guild.² In their travels³ they might claim the protection and safe conduct of the king.⁴ In the eyes of the law they were equal, whether they were English or Irish. They jostled each other in the same county court⁵ or the court of their lord.⁶ They were attached by the same sheriff or seneschal;⁷ thrown into the same gaol; delivered from it and tried before the same justices.⁸ The same mode of trial was open to both — sworn witness by their neighbours⁹ — and these neighbours on the jury might be Englishmen or Irish.¹⁰ The same punishment fell on

¹ *Cal. Patent Rolls*, 1. 3. 1319; *Documents of Ireland* (Gilbert), App. XIV.

² *Pipe Rolls*, 4 Ed. I.

³ *Cal. Patent Rolls*, 24. 7. 1280, p. 392; 1. 3. 1319.

⁴ These entries abundantly disprove Davies' statement (*Discovery*, p. 119) that Irishmen "might not converse or commerce with any civill men, nor enter into any towne or citty without perill of their Lives."

⁵ *Cal. Justiciary Rolls*, 1295, p. 51.

⁶ *Gormanston Register*, p. 172. "Court of all his tenants English or Irish."

⁷ *Cal. Justiciary Rolls*.

⁸ *Ibid.*, 1295, p. 13. Gaol delivery at Clonmel, Nevyn O'Hanwoth charged that he received O'Scheche, felon, for the death of William de S. Albino. Put themselves on the country. Guilty. Hung. No chattels.

⁹ *Ibid.*, 1295, p. 3. Ofethe charged with robbery; puts himself on the country. Jury say he is guilty, hung. Chattels 2 cows in Cork with Malachlyn M'chaules. *Ibid.*, p. 5. Fyn Odonedy for theft — Jury find him not guilty. *Ibid.*, 1300, p. 333. Jury give evidence — Judgment is "that the Irishman recover his damages and Thomas in mercy." *Ibid.*, 1305, p. 475 etc.

¹⁰ MacCaffrey, *Black Book of Limerick*, pp. 25—7, note p. 171. There was a triple jury of English, Danes and Irish in Limerick; *Cal. Justiciary Rolls*, 1299, p. 268. In a jury summoned by the

both;¹ the same cause put them without the law.² So long as they were "freemen", be they English, French, Danish or Irish, they could claim the privileges of freemen. The Irish could claim lands to which they had a right "just as if they were Englishmen".³ If they were robbed or injured the crime was presented for redress in the ordinary way by a jury of the place.⁴ Moreover — and this is the most important point of all — if one of these liege Irishmen were slain the penalty for the crime was just the same as if it had been an Englishman. Among the pleas of the crown heard by the justiciar in 1307, we find a case which illustrates the point. A man is charged that he "slew a faithful Irishman . . . by name Ocassy and robbed him of 12 sheep etc. . . . he comes and puts himself on the country. The jurors say that he is guilty. Let him be hung."⁵ The importance of this case can hardly be overestimated for it disproves one of the oldest inaccuracies in our history. Writers of high eminence have handed down the teaching that there was no place for the Irishman under English law and that it was no crime

sheriff in Co. Connaught, 10 out of 24 have Irish names; *Ibid.*, p. 271. An Irishman claimed that his ancestors "were in juries and assizes as well as in courts of the king as in those of liberties."

¹ *Cal. Close Rolls*, 8.8.1316, p.358. As the law existed an Englishman for murder, arson, robbery etc., was punishable by death. An Irishman for murder and arson by death and for other crimes at the discretion of the judge. *Cal Justiciary Rolls*, 1295, p. 4; illustrates this in the cases tried at Waterford. The equality of the English and Irish before the law is born out by the rolls.

² *Cal. Justiciary Rolls*, 1297, pp. 167, 168, 169; 1299, p. 253; 1302, p. 374.

³ Prynne, *Animadversions*, p. 255.

⁴ *Cal. Justiciary Rolls*, 1297, pp. 179, 180.

⁵ *Ibid.*, 1307, p. 516.

to slay him.¹ Can anyone calculate the evil that this one fallacy has done? It has been one of the great stumbling blocks to unity, for what Irishman would not feel bitterness and what Englishman would not feel shame if such a past were true?

The servile status.

So much for the liege Irishman who was a freeman dwelling in the king's dominion. If he were unfree he took exactly the same place as the Englishman who was unfree. The *hibernicus* was as the English *nativus*.²

¹ Richey, *History of the Irish people*, p. 174. "The Celtic population possessed no definite legal position, filled no place in the feudal hierarchy and was in the eyes of the English government hostile and alien"; p. 176 "Likewise the Irish were treated as being beyond the king's peace, so that it was no legal offence to kill one of them." Joyce, *Short History of Ireland*, p. 244. "But the English government instead of treating them (the Irish) as subjects to be cared for and placing them under the law that ruled the colonists . . . treated them from first to last as Irish enemies and refused them the protection of English law"; p. 296 "An Englishman might even murder an Irishman with impunity." D'Alton, *History of Ireland*, p. 313. "The Anglo-Irish lords regarded the native Irish as enemies, mere Irish, whom it was no crime to kill, even in time of peace"; see also Walpole, *History of the Kingdom of Ireland*, p. 53. All these statements are of course based on Davies, *Discoverie*, p. 102 "that the Irish generally were held and reputed aliens or rather enemies to the crowne of England; insomuch as they were not only disabled to bring anie actions, but they were so farre out of the protection of the Lawe, as it was often adjudged no felony to kill a meere Irishman in the time of peace." This statement of Davies was based on a misinterpretation of the cases he examined, see note 2 p. 42.

² *Cal. Justiciary Rolls*, p. viii. *Hibernicus* was the equivalent of *nativus*. Ware, *Antiquities*, p. 158. "The English villein and the Irish betagh is the same person." Maitland, *Constitutional History of England*, p. 33—4. "There is a very large class of persons who are personally unfree. The technical term whereby they are described is *nativi*, which means born serfs or bondsmen . . . They must not leave their lord's land; if they do he may recapture them

The lord had power over the bodies of both;¹ he could sue and recover damages for injuries to them;² their goods were held to be his property.³ The *hibernicus* could not claim the protection of the law to any greater extent than the *nativus* could.⁴ Over and over again, when a question touched freehold or trial by jury or any other rights of freemen the protest was made that a man was *hibernicus* and ought not to be answered because he had not free law.⁵ If the Irishman could prove that he

and bring them back. The law will aid him in this; it gives him an action for recovering the body of his *nativus* . . . the king's courts . . . do not protect his moveable goods against his lord, any more than they protect his land against his lord." The position of the Welsh was just the same. *Cal. Patent Rolls*, 8. 8. 1316. A bailiff of a hundred in the marches of Wales questioned the title of certain Welshmen to some land. He said that they held, not in fee, but at the king's will, that they were his bondmen and of servile condition. For this reason he seised the land into the king's hand. "The king being unwilling to commit an act of injustice" ordered a commission to be appointed to inquire.

¹ *Cal. Justiciary Rolls*, p. 255.

² *Ibid.*, 1297, pp. 97, 156; 1299, pp. 283—4.

³ *Ibid.*, 1295, p. 40; 1299, p. 221; 1298, p. 204.

⁴ Maitland, *Constitutional History of England*, p. 34. "Also it is becoming more and more the theory and the fact that the king's courts will protect the *nativus*, his body, his goods and his lands against every one except his lord"; cf. *Cal. Justiciary Rolls*, 1305, p. 150. "An *hibernicus* of the king" recovers his damages against another. "All his family are and hitherto were tenants, liege men and *nativi* of the king."

⁵ *Cal. Justiciary Rolls*, 1295, p. 14. A. sought Assize of *Novel Disseisin* against B. B. replied that A. was *hibernicus* and of servile condition and therefore he was not bound to answer, and the assize ought not to be taken. The reply was that A. was a Dane and free. *Ibid.*, p. 59. A man's father was *hibernicus*. His mother took him to Limerick and "obtained the liberty of the Ostmen (Danes) for her son." *Ibid.*, p. 82. A man sought trial for assault and robbery by putting himself "on the country". A protest

was not *hibernicus* but free,¹ well and good; but if not, he had no more right to be answered than a *nativus* had. Entries such as these improperly interpreted have led to grave misunderstandings. Historians have treated these disabilities of "hibernici" as wrongs done to "Irishmen";² whereas the question was not one of race at all, but one of status. To a mind environed by the present century the position is confusing, but it was clear and intelligible to the men of that day. A jury in Limerick found that certain men were Irishmen but not *hibernici* of their lord. They were millers on his estate but they were freemen.³ Agnes de Valence claimed damages for injuries done by Irishmen to her *hibernici*.⁴ Again, it was provided that when Irishmen passed to the use of English law, their status was unchanged. If *hibernici* "chanced to be admitted" it did not make them free.⁵

was lodged because the man was *hibernicus* and had not free law. His charter was produced to show his right.

¹ *Cal. Justiciary Rolls*, 1305, p. 352. A certain Irishman of Drogheda was free because he had been made a burgess but he was also free by charter of the king.

² Once again Davies has set the reading of subsequent historians. The universal phrase was "quod non tenetur ei inde respondere eoquod est *Hibernicus et non de libero sanguine*" Davies had this before him and quoted it in each of the cases he adduces (*Discoverie*, pp. 108, 109, 111) and yet he interprets them as showing "that the killing of an Irishman was not punished by our law as manslaughter which is felony and capitall." But the question to be decided was not whether the man were English or Irish at all, but whether he were free or unfree. That was the whole issue. It decided the mode of trial, the amount of the damages and to whom they were due.

³ *Cal. Justiciary Rolls*, 1300, p. 347.

⁴ *Ibid.*, 1306, p. 281.

⁵ *Cal. Patent Rolls*, 20.1.1321, p. 563. Irishmen so admitted or to be admitted shall be treated after the custom of the English,

These, then, the Irishry and the men of the dominion **Liege people.** were the "liege people" of the king. Through them the king's writs covered his "entire land and dominion of Ireland."¹ For them the Justiciar was ordered "to keep and cause to be kept the laws and customs of our land of England in our land of Ireland."² In their interest he was reproved, "for you well know that the laws of our land of Ireland and of England are, and ought to be, the same."³ They were "his men, French, English and Irish" to whom John wrote;⁴ "his people, English and Irish, subject to his rule," for whom Edward I made his great reforms.⁵

Outside their ranks was the third class, the "Irish **3. The Irish enemies and English rebels.** ^{enemy.}" They were spoken of together.⁶ They were the class outside the liege people of the king. Their ranks were recruited from those Irish who would not acquiesce in the submission of their over-kings, and from those English and Irish who threw off their loyalty and submission. There was no ambiguity about the position of this class either. They

"saving to the king and other lords their rights in the goods and chattels of the bondmen (*nativorum*), who in these parts are commonly called betaghes and who shall chance to be admitted to the said law and of their issue." *Early Statutes*, 5 Ed. III, Vol. I, p. 325. "That one and the same law be made as well for the Irish as for the English, except the service of betaghs in the power of their lords, in the same manner as is used in England concerning villeins."

¹ *Early Statutes*, 6 John, Vol. I, p. 3.

² *Ibid.*, 10 H. III, p. 21.

³ *Ibid.*, 6 H. III, p. 20.

⁴ *Gormanston Register*, p. 145.

⁵ *Early Statutes*, 13 Ed. I, Vol. I, p. 105.

⁶ *Ibid.*, 3 Ed. IV, pp. 131, 183. *Irish. Stat.*, 25 H. VI; 28 H. VI; 18 Ed. IV. *Council Roll*, 16 R. II, 105, 109, 183. Cf. *Cal. Close Rolls*, 8. 8. 1316, p. 358. "English and Irish felons."

were "those that refuse the common law of the land."¹ With them the king was at war, for, as Giraldus Cambrensis puts it, contracts such as they had made "though entered into of free will are not free to be broken."² If they chose this course the first consequence was the **Loss of their lands.**

forfeit of their lands. The regranting of Limerick did not come until Donnell O'Brien had thrown off his fealty.³ The curtailment of O'Conor's lands in Connaught began when one of his race became a rebel to the king;⁴ while land in Leinster passed to the Earl of Norfolk because it was forfeited by the rebellion of MacMurrough an Irishman and Canon an Englishman.⁵ In time the Irish themselves recognised that their inter-tribal wars served "merely to give the pale English charters and conveyance of all countries of the Gael."⁶

The war against them.

War with the enemy Irish was regulated by statute. In the lands which marched with known enemies proper wards were provided and the district armed for emergency. Any attack was repelled immediately, any truce made embraced all the liege people. It was protected by law and any injury done to the Irish while it lasted was repaid on the assessment of a jury of the place. No army might be led through any land at peace

¹ *Early Statutes*, 13 Ed. I, p. 57.

² Cambrensis, *Expug. Hib.*, Bk. II, ch. VII.

³ *Ibid.*, II, ch. VIII. *Fragments of Annals* (Celt. Rev.) 1173.

⁴ *Cal. Documents* (Sweetman), V, 437. The jury found that Felim O'Conor kept good peace and faithfully paid his rent. His son became a rebel to the king. For the history of this curtailment see Orpen, *Ireland under the Normans*, III, ch. XXX and IV, ch. XXV.

⁵ *Cal. Fine Rolls*, 30.11.1313, p. 185.

⁶ Orpen, *Ireland under the Normans*, IV, p. 90, quoted from *The Triumph of Turlough*, p. 90.

without the leave of the Justiciar.¹ The position is well illustrated by the fact that the Irish chief, MacMurrough, was one of these lords whose lands marched with the enemy Irish. He fought against them, took felons and delivered them to justice and kept good guard on his marches in obedience to the order of the Irish Parliament.² The door for the return of the "enemy", was never closed. One of the widest powers granted to the Justiciar was that of receiving them into the peace again.³ If he were absent, a temporary power was vested in two knights of every county and liberty.⁴

The law gave these "enemies" no redress because Their legal position. they were outside the peace. If one of them were slain or injured by one of the liege people, the law would not take cognisance of the crime. This held of any man—English, Welsh, Danish or Irish—who was against the king's peace. One case will suffice to illustrate the point. In 1295 an Irishman was charged before the Justiciar in Kerry with the death of a Welshman. He pleaded that the Welshman had abjured the land and having established the claim he was quit.⁵ The

¹ *Early Statutes*, 25 Ed. I, pp. 199—210.

² *Pipe Rolls*, 7 Ed. II.

³ *Cal. Patent Rolls*, 17. 6. 1276, p. 149. Power granted to Ufford; *ibid.*, 23. 11. 1316, to Mortimer. Power to receive felons and outlaws into the king's peace and a power of granting pardon. "And also of granting to Irishmen that they may use English laws in Ireland." It will be noted that the powers are quite distinct. See also *Cal. Justiciary Rolls*, 1295, p. 11, for the granting of one of these charters of peace. Also: *Ibid.*, 1295, pp. 68 and 69.

⁴ *Early Statutes*, 25 Ed. I, Vol. I, p. 213.

⁵ *Cal. Justiciary Rolls*, 1295, p. 45; see also *ibid.*, 1298, p. 197. A man was charged with robbing Caluagh O'Conewhor, he being at the king's peace. He acknowledged the robbery but showed that Caluagh was not at the peace.

conception that the law will punish any crime, no matter against whom it is committed, comes much later than the fourteenth century. It is essential to remember that the justice of six hundred years ago, wonderfully developed as it was, is not the standard of to-day.

The general attitude of England.

Such was the position of the Irish people under English rule. Every class of Irishman had his place; either amongst the Irishry, from which he could pass by letters patent to the use of English law; or among the men of the king's dominion among whom he could rise, should his condition be servile, by a charter of enfranchisement; or among the Irish enemy from whose ranks he could pass by a grant of the king's peace. The central government, evidently, did not feel that any wider extension of English law was justified. The existing provision was broadly comprehensive. It did not feel that any good purpose could be served by giving the protection and benefit of the law to those who defied it. Whatever may be thought of the wisdom and statesmanship of such an attitude, it will be admitted that at least it had the merit of consistency.

CHAPTER V.

One People.

We have seen the broad principles underlying England's attitude to Ireland. They represent the position which Keating defended as a Christian conquest. "For indeed," he says, "he who makes a Christian conquest thinks it sufficient to obtain submission and fidelity

from the people who have been subdued by him, and to send from himself other new people to inhabit the land over which his power has prevailed *together with the people of that country.*¹

We have been told very often that this was impossible—that Ireland was tribal and England feudal, and that the two could never coalesce. But tribalism was not peculiar to Ireland. All England, Scotland and Wales were originally tribal too. On the continent, tribalism was one of the elements which went to the making of feudalism. The best modern research² has shown that the difference was one only of “comparative development”.³ As the “holding” on the basis of land fixed a man’s relations in the feudal state, so in the tribal state the “honour-price”, on the basis of blood, “ruled the value of his oath, of his guarantee, of his pledge and of his evidence.”⁴ The tribal unit was the family; an aggregation of families formed the tribe, the chief of which was elected from the ruling family, but there was no hereditary succession. The tribe was located on the land and owned it collectively. Part was private property; the rest was redivided at intervals among the people of the tribe.⁵ There were many other differences, but the systems were so similar that it is still hard to distinguish between them. It is

Tribal and
feudal.

¹ Keating, Vol. III, p. 35.

² Maine, *Village Communities; Early Law and Custom; Early Institutions*; Seebohm, *Tribal System in Wales; English Village Community; Tribal Custom in Anglo-Saxon Law*; Skene, *Celtic Scotland*.

³ Maine, *Early Institutions*, p. 166.

⁴ Seebohm, *Tribal Custom in Anglo-Saxon Law*, p. 92.

⁵ For a full account of Irish tribalism see O’Curry, *Manners and Customs of the Ancient Irish*; Joyce, *Social History of Ireland*; MacNeill, *Phases of Irish History*, ch. X.

necessary for us to know their general principles for we are trying to reconstruct an epoch which passed into silence six hundred years ago. But at the same time we must remember that such classification arose so late as the nineteenth century, and that it would have been unmeaning to the men of an earlier day. In all ages men accept the relationships of life to which they are born, although they do not understand and could not explain them. If they are workable, it is sufficient.

In Ireland, this proved to be so. Tribalism and feudalism, when they were thrown together, and had to find a working agreement, fused one into the other. The assimilation of the two races is striking. The very divisions of the land fitted in, because both had originally been the same. The Irish *tuath* or *cantred* became the English hundred; the *ballybetagh*, the English vill or township. As the Irish had an over-king, the *ard-ri*, so the English of Ireland had the king of England or his deputy. The Irishman interpreted what he saw in his own way. To him the deputy was "lord of all the English of Ireland";¹ to the English, he was Keeper of Ireland. Both were unconscious that here were expressed the different bases of their systems — blood and land. The English king succeeded to the sovereignty of his people, whereas the Irish "agreed to give their sovereignty"² to their king. Once again under the similarity lie opposed heredity and election. When an Irish king believed that he was strong enough to assert his supremacy, either in the province or over the whole country, he marched in circuit through it taking his "rents" and hostages, and giving stock as

¹ *Clon.*, 1381, speaking of Mortimer.

² *Cé*, 1315.

the sign that he was supreme.¹ But to the Irish, the coming of the English Deputy meant the same thing. He came "of a purpose to gett his rents of the Inhabitants of the Kingdome",² and marched from place to place asserting the English supremacy.

Each Englishman, as he settled, brought with him a large family connection. To the Irish, they became quite naturally "the race of Richard Burke"³ or the MacWilliams; Bermingham became MacFeoras;⁴ FitzMaurice, MacMuiris.⁵ Friendly feeling was further drawn out by frequent intermarriage. MacCarthy, king of Desmond married an Englishwoman; Richard de Carew married a daughter of MacCarthy. The FitzMaurices of Kerry intermarried with O'Conors of Kerry, O'Briens of Thomond and MacCarthys of Desmond. The de Burghs married O'Neills, O'Conors and O'Briens.⁶

There was little difference between the homesteads of each. The Irish were scattered more loosely over the countryside, grouped arbitrarily for the payment of the principal due to their lord.⁷ The English manorial grouping, though closer, depended also on the lord for unity. The English, further developed in private ownership, thought more of land, and hence of agriculture. The Irish were content to have the use of the land from the family⁸ (and they used it in the same way as

¹ O'Donovan, *Circuit of Ireland by Muircheartach MacNeill*; **4 M.**, 1425, 1430, 1504.

² *Clon.*, 1394.

³ **4 M.**, 1335.

⁴ **4 M.**, 1301.

⁵ *Cé*, 1252.

⁶ Orpen, *Ireland under the Normans*, III, pp. 125, 128, 147, 285; IV, pp. 17, 83 etc.

⁷ Seebohm, *English Village Community*, ch. VI.

⁸ Seebohm, *Tribal System in Wales*, pp. xii and xiii.

Settlement and
intermarriage.

the English, splitting it into strips and ploughing it in common) but they had their property in flocks. So when they went out to war they "took a prey,"¹ because it was the thing their enemies valued most. When the English set out, it was "with intent to take the Kingdom."²

Then again, one system was actually encroaching Overlapping of
the systems. on the other, so that there could be no hard and fast barrier between the two. The Irish chief held the land of the chieftainship³ almost as the English lord held his demesne. He granted it to tenants who were strangers in blood⁴ and whose relation to him was feudal.⁵ Gradually, also, he was gaining more and more control over the waste, as the English lord was conceived to own it.⁶ Among his people, there were the free and the non-free, with sufficient similarity to make no great difficulty of the change to English status.

The church was a further bond of union. These The work of
the church. English and Irish neighbours were united by a common Christianity. The church in tribal Ireland assumed a tribal form. It was a religious family — "the people

¹ *Clon.*, 1315; *Cé, Uls.*, 1318; *4 M.*, 1235. O'Conor being worsted adopted the resolution of taking all his "cows" and those of his allies to O'Donnell; *ibid.*, the English marched on with the "cows and spoils" and took a prey from O'Donnell; *ibid.*, 1236. They proceeded against the king of Connaught "who had all the cows of the country"; O'Curry, *Manuscript Materials of Irish History*. Preyings were accounted "prime" stories.

² *4 M., Clon., Cé*, 1330.

³ *Tigernach*, 1126, 1127. Seebohm, *English Village Community*, p. 230.

⁴ Seebohm, *Tribal System in Wales*, p. 127.

⁵ Seebohm, *English Village Community*, p. 230.

⁶ *4 M., Cé*, 1350.

of the bishop,"¹ "the family of Derry"² — to the Irish.³ But at the same time, the church was anxious to acquire land as private property. In this way it became one of the greatest factors in promoting individualism, as opposed to the communism of the tribe. It is significant that Henry II, found no difficulty with the church.⁴ The Synod of Cashel⁵ brings this home to us, for there is no sign in it that a great change had taken place in the country. Indeed, there is no sign of a break at all.⁶ The synod met at the behest of the English king; otherwise it was like its predecessor. There was nothing to break the sequence of the councils of the church. It dealt temperately with matters of discipline as though no great upheaval had touched the land. All through the century after the conquest, the church was a great unifying force. It never became segregated, an Irishman followed an Englishman or *vice versa*, in the greatest sees.⁷ The monastic foun-

¹ *4 M.*, *Cé*, 1350.

² *4 M.*, 1177.

³ Lawlor, *St. Malachy*, Introduction, p. xv. The abbots of Armagh were drawn from a single family and held their office by hereditary succession.

⁴ *Gesta Henrici* (Ed. W. Stubbs), I, p. 26.

⁵ Orpen, *Ireland under the Normans*, Vol. I, p. 275.

⁶ This was provided for in the early twelfth century; see Lawlor, *St. Malachy*, pp. xxxvii—xlviii, "The synod of Rath breasail . . . gave to Ireland a paper constitution of the approved Roman and Catholic type."

⁷ Dr. Lawlor has very kindly allowed me to make use of his original lists: *Archbishops of Armagh*: 1247 Reynard or Raighned. 1258 Abraham ua Connalain. 1262 Mael-patraig ua Sgannaill. 1272 Nicholas MacMael Isa. 1303 Michael MacLochlainn (the Pope refused confirmation), 1306 John Taafe (did not get possession). 1307 Walter Joyce. 1312 Roland Joyce, 1324 Stephen de Segrave. *Archbishops of Tuam*: 1250 Flann MacFloind. 1256 James ua Lachtnain (Pope

dations were the gift of either people¹ and the ecclesiastical taxation fell on every diocese throughout the land.²

The Englishman also dealt with the things he saw around him from his English standpoint. When O'Conor journeyed to Henry II to make the Treaty of Windsor, the English saw in his train "the Chancellor of the king of Connaught."³ The Earl of Ulster bound O'Neill to his service by a Latin charter.⁴ An O'Conor held of the Earl of Kildare *quamdiu bene et fideliter se gesserit*,⁵ — the universal phrase for a tenancy during good behaviour. Indentures were the sign of the O'Dempseys' fealty.⁶ O'Kane was so far educated that he yielded up land which he held immediately and received it back in fee, and the whole transaction was done in the regular legal form.⁷ The English lord received his Irishmen as tenants, but their holdings took the English name and form. The importance of

refused confirmation). 1257 Walter de Salerno. 1259 Tomaltach ua Conchobhair. 1286 Stephen de Fulburn. 1289 William Bermingham. 1313 Malachy MacAedha. 1349 Thomas MacCerbhail etc. *Archbishops of Cashel*: 1239 David MacCellaigh. 1256 David MacCerbhail. 1291 Stephen UaBracain. 1304 Maurice MacCerbhail. 1318 William FitzJohn. 1327 John MacCerbhail. 1330 Walter le Rere etc. The Archbishopric of Dublin is exceptional; there were no Irish Archbishops after Lawrence O'Toole.

¹ 4 M., 1248. A foundation of de Burgh at Tuam, of O'Brien at Ennis; *ibid.*, 1251, of Barry at Buttevant; *ibid.*, 1253, of FitzMaurice at Ardfert, etc.

² H. M. C., Rep. X, App., p. 223; cf. Orpen, *Ireland under the Normans*, Vol. IV, p. 48.

³ Orpen, Vol. I, p. 349.

⁴ H. M. C., Rep. III, App., p. 231.

⁵ *Ibid.*, Red Book of Kildare.

⁶ *Ibid.*

⁷ *Ibid.*, Rep. III, App., p. 231.

this daily intercourse will readily be seen. The English landlord, dealing with his Irish neighbour, in the only way he understood and knew to be binding, did more for the propagation of order in the country than garrison or statute.

In the atmosphere of the native records, there is hostility in plenty, as is natural, but it is a whole-some hostility with little racial bitterness and no undying hate. There is admiration in the description of de Lacy as "he to whom the tribute of Connaught was paid, he who had conquered the greater part of Ireland for the English."¹ The Irish fought for their territories against the English or Irish who opposed them.² Hugh O'Neill was he "who had never rendered hostages, pledges or tribute to English or Irish, who had gained victories over the English and cut them off with great and frequent slaughter, the plunderer of the English and Irish."³ Felim O'Conor journeyed to the king of England "to complain to him of the English and Irish."⁴ Hugh O'Conor became king of Connaught by "election of the Justiciar and the chiefs of Connaught."⁵ Finally, how could the Irish annalists record that a Burke, supported by the Irish, fought "with intent to take the Kingdome and name of king of Connaught to himself"⁶ unless the thing were conceivable? Or how could they speak with such friendliness of Desmond as "the most illustrious man of his tribe in Ireland in his time"⁷ without at the same time bearing witness that

The impression
of the records.

¹ *4 M.*, 1186.

² *Ibid.*, 1208.

³ *Ibid.*, 1230.

⁴ *Ibid.*, 1240.

⁵ *Ibid.*, 1228.

⁶ *Clon.*, 1330; see also *4 M.*, *Cé*, 1330.

⁷ *4 M.*, 1468.

there was no inherent bitterness between the races, but that truly, as their own prophets had foretold, "the galls should be gaels and the gaels galls?"¹

Which would dominate?

When there was this similarity and close fusion, did it matter greatly which, English or Irish, got the upper hand? Did it matter whether the Irish absorbed the newcomers and conformed them to herself, or the English imposed their system on the conquered race? There can be no question that the conquest made the latter course imperative. England completed the break-up of the system that she found in Ireland. She brought instead the rule of law. Its extension was her trust and condition of dominion. In the thirteenth century she was well in the way of giving it, for many things were in her favour — her own effective organisation, its similarity with the Irish, the ready fusion of everyday life. But against that, the piecemeal nature of her domination left an inevitable struggle between force and law. Where we stand, at the opening of the fourteenth century, the issue is undecided. It is in the light of the struggle between the two that the invasion of Edward Bruce gains its importance. In the contest it takes its rise. In the strengthening of one, and the weakening of the other, it leaves its effects even to the present day.

¹ *Hy-Fiachrach*, p. 107. The boast of the Irish was their hospitality. "Prominent in the line of each book is this tribe, the best to strangers."

P A R T II.

THE INVASION OF EDWARD BRUCE.

CHAPTER I.

Preparation.

In a story our interest centres in the men who people it. But while our mind hurries toward them, we miss no detail of their environment because we know that without it half the meaning will be gone from their lives. It is so with history, we want to know the plan of the house, but we long, like children, for the people to move about it and make it real. While they are with us our heart grows warm, our effort ceases and our criticism dies away. Afterwards we know that we shall judge, we know that they must fall back into their setting, and that even the one whom we love most will lose his vividness if the setting is not true. But all this is afterwards. While the narrative is with us we follow with quickened interest, for the lives we read about might have been our own.

We have now come to an incident which stands clear and momentous in our history — the invasion of Edward Bruce. To read it aright we must leave Ire-

*Robert and
Edward Bruce.*

kingdom, for the story of Edward Bruce is crippled without the preface of his brother's influence. Robert Bruce can afford to stand alone, but not so Edward. Both were brave and able, but while Robert was great, Edward was only ambitious. All that we read of Robert Bruce compels our respect, whether it is the account of his enemies or the record of an affronted church. It was he who gave training and impetus to his brother and a confidence that never faltered.

We turn with pleasure to read the part he played, **The story of
the winning
of Scotland.** for the winning of Scotland is one of the romances of history. It is the story of a hazard carried through by personality, which won for Bruce the rare blessedness of seeing the high ambition of his manhood perfect and complete before his death. The man who had the spirit to refuse the crown unless in "freeest royalty" and

"Who knew ere all the land were won
He should find full hard bargaining
With him that was of England king",¹

deserved the reward he won in the marriage and crowning of "Davy" and the renouncing of all English claims to Scotland.

The whole is a tale of adventure which would stir the blood of the most prosaic: the sudden break with

¹ Barbour, *The Bruce*. I have used the editions of Skeat, Innes and Mackenzie and the translation of Eyre-Todd. The references are to the edition by Walter Skeat. For quotations I have given a rendering of the text in modern English as more serviceable to the general reader. (For the importance and accuracy of Barbour's work see Maxwell, *Early Chronicles relating to Scotland*); cf. *Chronicles of the Reigns of Edward I and Edward II*, Vol. II, pp. 170, 241; *Fædera* (Syllabus), pp. 157, 160, 169. English attempts to treat with Bruce were made in 1309, 1310 and 1312.

England,¹ the rough justice of the murder of Comyn,² the hasty coronation at Scone,³ the despair of the defeat at Methven when the people passed to the English peace again⁴ and Bruce fled northward; then the endurance of a winter in the highlands, the cold lying out in the hills, the sleepless nights, the bitter showers,⁵ until a time came when the little band were glad to flee to Rathlin for food and a breathing space⁶ — they were fighting for life itself with their backs to the wall, for behind them they left treachery and held no foot of ground; afterwards the turning point of fortune and the return to Scotland, in itself the accident of their strained imagination which painted the beacon that was never lit;⁷ then the campaign of success which followed, the winning of Carrick and the south,⁸ the decisive victories of Glentruel⁹ and Loudon,¹⁰ when Valence fled “right to the king shamefacedly and gave

¹ Fordun, *Chronicle of Scotland*, Vol. II, p. 331; Barbour, Bk. I, l. 590 to end; Wright, *History of Scotland*, Vol. I, p. 83.

² Barbour, II, l. 31. Fordun, II, p. 333. Wyntoun's *Chronicle*, Book VIII, l. 2920. MS., *T. C. D.*, *E. I. 27*, p. 87. Wright, *History of Scotland*, Vol. I, p. 83.

³ Fordun, II, l. 333. Barbour, II, l. 177. Wright, *History of Scotland*, Vol. I, p. 84.

⁴ Barbour, II, l. 496; Wright, p. 85.

⁵ Barbour, III, l. 383.

⁶ *Ibid.*, III, l. 683; MS., *T. C. D.*, *E. I. 27*, p. 88; Maxwell, *Early Chronicles*, p. 246; Wright, p. 86.

⁷ Barbour, IV, l. 535.

⁸ *Ibid.*, V; *Cal. Patent Rolls*, 25.5.1313, p. 590; *Cal. Fine Rolls*, 12.4.1314, p. 193; 1.9.1314, p. 207.

⁹ Barbour, VII, ll. 494—616.

¹⁰ *Ibid.*, VIII, l. 123. Wright, Vol. I, p. 90. Maxwell, *Robert the Bruce*, p. 165.

up there his wardenry";¹ then the conquest of the north and the humbling of the last resistance within the realm;² finally, the last act, the steady grip ever increasing and crushing out the English power, first Perth, then Linlithgow, Edinburgh, Dundee and the threat to Stirling, which forced the issue of Bannockburn and the triumph of the Scots.³

**The personality
of Robert Bruce.**

And through it all the personality of Bruce runs like a thread of gold — his courage in laying the dire state of their fortunes before his men, so that if they decided to go on they faced the difficulties with their eyes open;⁴ his wisdom in securing the north,⁵ when the temptation must have been great to clear the English from the borders; his statesmanship in abstaining from forms of supremacy until he had won the force to put behind them;⁶ but above all, his love for his men and his trust in them for "they know right well what honour is."⁷ The king who could alter his military plans for the trouble of a poor camp follower,⁸ might look for the same spirit among his men. And, in truth, he found it in the noble company of chivalry who loved him and suffered and fought for him. He found it, in the passionate loyalty of Douglas — Douglas, the "sweet

¹ Barbour, VIII, l. 355.

² *Ibid.*, IX and X.

³ *Ibid.*, IX, X and XI; *Chronicles of Edward I and Edward II*, 1314, Vol. II, pp. 199, 200; *Papers from the Northern Registers*, p. XXVI. MS., T. C. D., E. I. 27, p. 89.

⁴ Barbour, IV, l. 535.

⁵ *Ibid.*, IX, l. 294 *et seq.*

⁶ *Ibid.*, XIII, l. 721.

⁷ *Ibid.*, II, l. 336.

⁸ *Ibid.*, XVI, l. 270.

and debonair," who loved loyalty over all things and yet who could his foes

"right worthily
Dismay through his great chivalry."¹

The Black Douglas, who was the bogey man of the peasant children,² was the same who could risk his life to see "how that they do in my countree."³ Throughout, he was the completer of Bruce's work. There was nothing he would have found too hard to do for him, from the dull strain of the watch on the marches,⁴ — from which he was never spared, — to the ravaging of the north of England, which diverted the English and saved Berwick.⁵ And when all was over, he took Bruce's heart, which, for his soul's good, should have been in the Holy Land, to spend its ashes there.⁶ Or look at restless Edward Bruce, watching quietly by the dying Neil Fleming,⁷ who had taken certain death to

¹ Barbour, XX, l. 511; cf. Maxwell, *Early Chronicles of Scotland*, p. 236.

² Barbour, XV, l. 537. ³ *Ibid.*, V, l. 228.

⁴ *Ibid.*, V, VIII, IX, X, XV.

⁵ *Ibid.*, XVII, l. 533 *et seq.*; supported by *Fædera*, the *Rolls, Chronicles of Edward I, and Edward II, Papers from the Northern Registers*, p. XXVIII.

⁶ Barbour, XX. Wyntoun, Bk. VIII, ch. 28, l. 3121. Douglas was killed fighting in Spain, for what he believed to be a cause of the Cross and Bruce's heart was brought back to Scotland. The story is beautifully told in "The Heart of the Bruce," (Aytoun, *Lays of the Scottish Cavaliers*, p. 56), where the loyalty of Douglas is shown to have inspired a like devotion in his own followers:

"There lies beside his master's heart
The Douglas stark and grim,
And woe is me I should be here
Not side by side with him."

⁷ Barbour, XV, l. 226.

give him time. Or listen to Umphraville when David of Brechin was hanged:

“‘My lords’, he said, ‘wherefore press ye
To see at mischief such a knight,
That was so worthy and so wight,
That I have seen more press to see
Him for his sovereign bravery,
Than now throng for to see him die.’”¹

Barbour’s simple prayer seems their most fitting epitaph:

“The good lords died upon this wise;
He that High Lord of all things is,
Up to His muckle bliss them bring,
And grant His grace that their offspring
Lead well the land.”²

**The dream of a
Celtic Kingdom.**

The brilliance and success of Robert Bruce’s enterprise,³ inspired the travesty of it in the sister kingdom. Probably even as early as 1306, during the long winter in Rathlin, the plan was laid. It satisfied the vague restlessness and discontent of Edward Bruce, and appealed to the ambition of his brother. And, indeed, it was a dream which might have dazzled any man — the reuniting of the Celtic people; Scotland under Robert Bruce, Ireland under Edward. For Scotland had been colonised from Ireland and for centuries had been closely

¹ Barbour, XIX, l. 76.

² *Ibid.*, XX, l. 611.

³ *Ibid.*, XIV, l. 4. Edward Bruce thought that Scotland was too small for his brother and him to share, and furthermore “he had no will to be at peace”; MS., *T.C.D.*, *E.3.20*, p. 102, Robert Bruce wishes Edward to take possession of the land of the English king in those parts and to infest the English living there.

bound to her.¹ Both spoke languages which were similar; they had intermarried with each other and had the same family names;² they had both been christianised from the same source; their art of illumination and stone carving was alike;³ they were moved by the same music;⁴ they built their dwelling-houses, clothed themselves, rode their horses and transacted their business in the same way.⁵ There were two kinds of Celts but only one people. We find frequent recognition of it in the annals: "the best man of his time in Ireland and Scotland for hospitality and prowess"⁶ — "the chief minstrel of Ireland and Scotland."⁷ Well indeed might Spenser say "Scotland and Ireland are all one and the same."⁸ A Celtic reunion was certainly in the mind of Robert Bruce for not only did he support Edward in Ireland, but he also planned an attack on

¹ For colonisation see Joyce, *Social History*, Pt. I, ch. 4; Lang, "Scotland" in the *Encyclopædia Britannica*; Keating, *History of Ireland*, Vol. II, p. 271. For similarity of tribal institutions see Skene, *Celtic Scotland*, Vol. III, pp. 125—140 and 214—230; p. 126, they were "substantially one people"; p. 131, there was a close connection amounting to identity both of race and nation; *Cé* (Hennessy), Introduction. "The intimate nature of this relationship was sustained by the identity of national sentiment between the two countries, resulting from the possession of common traditions and a common literature and the practice of a common education."

² Joyce, *A Social History of Ancient Ireland*, Vol. II, pt. III, ch. 19. The Family.

³ *Ibid.*, Vol. I, pt. II, ch. 16. Art.

⁴ *Ibid.*, ch. 17. Music.

⁵ *Ibid.*, chaps 2, 28 and 29. Quiggan, "Early Ireland", *Encyclopædia Britannica*.

⁶ 4 *M.*, *Cé*, 1299.

⁷ 4 *M.*, 1328.

⁸ Spenser, *View of the Present State of Ireland*, Vol. I, p. 60.

Wales¹ to stir up the kindred peoples there. Nor did the scheme seem too difficult to realise. A glance at the map shows at once the intimate connection and possible union of Ireland, Wales and Scotland. During the winter in Rathlin, Bruce conceived his plan. Within ten years he had won Scotland and was ready to send his brother on the second venture, the invasion of Ireland.

**Preparations for
the invasion of
Ireland.**

His preparations, so far as we know them, were few, but marked with his usual efficiency. His earliest thoughts² turned to the Isle of Man. It was England's

1. **A naval base.** great naval base for all attacks on Scotland,³ and further it would be invaluable to Bruce as it was almost equidistant from Ireland, Scotland and Wales. Accordingly, in 1313, he captured it but only held it till Feb. 1315.⁴
2. **A pirate navy.** Bruce's second great need was a fleet. He could not hope to compete with the English navy on the seas, but it was essential for him to have some protective weapon for the transport of men and supplies between Scotland and Ireland. The result was the equipment of a band of pirate ships under the leadership of an avowed sea-robber, Thomas Don.⁵ Thirdly, he planned

¹ The threefold plan is mentioned, *Chron. Ed. I, and Ed. II*, Vol. II, p. 211, Bruce sent an expedition to Wales; *Fædera* (Rymer), p. 321; *Cal. Papal Registers*, p. 138, the rising of the Welsh in 1316 was probably Bruce's work; *Fædera* (Syllabus), p. 187, Thomas Don, the captain of his fleet held communication with the Welsh at Holyhead; *Cal. Patent Rolls*, 20. 11. 1315.

² *Fædera* (Rymer), p. 122. In 1310.

³ *Writs of Military Summons*, Vol. II, p. 49; *Cal. Close Rolls*, 18. 2. 1315, p. 153.

⁴ *Cal. Fine Rolls*, 1312, p. 243, the Isle of Man was in the hands of the English; Camden, *Britannia* (Chronicles of the Isle of Man, 1313), it was taken by Bruce; *Cal. Close Rolls*, 15. 2. 1315, p. 153, it was taken from the Scots by the English.

⁵ MS., *T. C. D.*, E. 3. 20, p. 103; *Cal. Patent Rolls*, 20. 11. 1315; 9. 5. 1317, etc.

that at the same moment as he launched his attack on Ireland under Edward Bruce, he himself would create a diversion by an offensive in the north of England, especially threatening Carlisle.¹ They were the most able preparations that Bruce could have made, but even so, he could hope for no success in Ireland without the help of the Irish people. Their attitude towards him was the pivot on which all his plans balanced. The part he intended Edward Bruce to play, was that of leader of a people coming to the help of their kindred against a common foe. There was just enough truth behind this, to give the Irish a good pretext to join Bruce if they so wished. Otherwise their aims were totally divergent. Bruce fought solely against England, while the Irish desired only that each man should have his own kingdom.² And yet, when Bruce made a preliminary raid on Ulster in 1313,³ he must have seen enough to make him think that there were possibilities in the Irish support. If he had not counted most certainly on this, he would never have ventured on the

3. A simultaneous attack on the north of England.

The pivot of the plan — the Irish.

¹ MS., *T. C. D.*, *E. 1.27*, p. 89; *E. 3.20*, p. 101; *Chronicles Ed. I*, and *Ed. II*, p. 211; *Writs of Military Summons*, pp. 142 and 161.

² MS., *T. C. D.*, *E. 3.20*, p. 102. Edward Bruce was sent to Ireland "that he might take possession of the land of the English king in those parts and that he might infest the English living there." (The author of this History of Ireland is described as follows: *Author hujus historiae scripsit post G. Cambrensem, eum viz. Cambrensem citat et historiam producit ad an. 1522*); *Clon.*, 1315. The different attitudes of the Scotch and Irish are strikingly shown in the following entry: "Edward (Bruce) authorised him (Rory O'Conor) to warr against Englishmen and not to meddle with the lands of ffelym (O'Conor), but . . . he did not onely warre upon Englishmen but also upon ffelym and his partakers and sought by all meanes to get the kingdom of Connaught into his owen hands."

³ Pembrige, 1313 (MS., *T. C. D.*, *E. 4.6*, f. 15); *Cé*, 1313.

attempt, for he was in no position to conquer two races in a foreign country. If, on the other hand, the whole of the Irish forces joined him, there was reason to believe that the English could be overpowered.

In the spring of 1315 Bruce judged that the moment was propitious for the new offensive. The attack could not have been better timed. He was pressing England so hard in the north that all men between fifteen and sixty were called up; the country was "in such urgent necessity that no one can be excused."¹ Men and supplies had been drawn consistently from Ireland — throughout 1314 the strain had been particularly heavy;² and, most crippling of all, the crown was weakened by civil war with the Earl of Lancaster.³ Further, the attack was as sudden as it was well-chosen. It was totally unexpected by England. It was only after a great army had actually landed on Irish soil that preparations were made to meet it.

England surprised.

Preparation.
1. The feudal army.

The first call on the whole country, liberty and county, was "royal service when it happens." The liberties were accounted for by commission to their several lords; in the same way the counties supplied their quota gathered by a government commissioner.

¹ *Writs of Military Summons*, p. 161 (Rot. Scoc. 9 Ed. II, m. 6).

² 1310. 2,800 men to be ready (*Writs Mil. Sum.*, p. 48),
500 for the fleet (*ibid.*, p. 49),
500 footsoldiers (*ibid.*, p. 62);

1314. 4,000 to be raised (*ibid.*, p. 113); Letters were also sent to the Irish chiefs (*ibid.*, p. 111); *Fædera* (Rymer), p. 245;

1315. (4th May) 500 levied (*ibid.*, p. 151).

³ *Writs of Military Summons*, 1312, p. 77; 1316, p. 169; MS., T. C. D., E. 1. 27, p. 89. "propter quam commocionem Robertus de Bruys plurimum in Scocia prævaluit."

All were placed under a leader appointed by the state.¹ When Bruce had landed the levies of Leinster and Munster were got together very hurriedly. They were put under the command of Edmund Butler,² who in January, 1315, had been appointed Justiciar of Ireland.³ It was likely that the government strongholds might 2. **Forts.** have to withstand the attack. In case this should happen, Dublin, Carrickfergus, Norburgh and Dundalk were well provisioned.⁴ Fortunately the government realised the importance of the navy. It was well 3. **The navy.** organised and paid,⁵ and at the time of Bruce's landing the accustomed bases to the west, Carrickfergus⁶ and the Isle of Man,⁷ were in English hands. In June the command⁸ was changed. In July the excellent fleet of the Cinque Ports⁹ was sent and to secure the greatest efficiency all government issues from Ireland were devoted to its use.¹⁰ To meet all expenses the government 4. **Finance.**

¹ *Writs of Military Summons*, pp. 31 and 32.

² Pembridge, 1315.

³ *Cal. Patent Rolls*, 4. 1. 1315. Edmund Butler was appointed under the usual commission. He was to receive £ 500 a year, for which a liberate was sent to the Exchequer. A writ *de intendendo* was sent to archbishops, bishops, abbots, priors, earls, barons, knights, freemen and all others of the land of Ireland.

⁴ Gilbert's *Documents*, 81, Nos. 15, 17, 18, 29 and 30. Some corn destined for Norburgh and Carrickfergus was diverted; cf. Orpen, *Ireland under the Normans*, Vol. IV, p. 179, note 2.

⁵ *The Black Book of the Admiralty*.

⁶ *Cal. Patent Rolls*, 23. 5. 1311, p. 252.

⁷ *Writs of Military Summons*, p. 49. The Isle of Man was cleared of the Scots in February 1315, only just in time; *Cal. Close Rolls*, 15. 2. 1315, p. 153.

⁸ *Cal. Fine Rolls*, 8. 6. 1315, p. 250. De Craye replaced John de Ergadia (Argyle) as Admiral.

⁹ *Cal. Patent Rolls*, 10. 7. 1315.

¹⁰ *Cal. Close Rolls*, 2. 6. 1315, p. 183; *Fœdera* (Syllabus), p. 185.

had the ordinary revenues of the country; the tenth granted by the clergy just one month previously;¹ the increased customs given later by the merchants² and the fifteenth³ and sixteenth⁴ which were added by parliamentary grant. Even so, these were totally insufficient to meet the cost of the war. The deficit was made up by heavy borrowing. Besides these immediate preparations, peace was made with France⁵ and mercantile war was prosecuted against Flanders,⁶ an ally of the Scots. Reconciliation was made with Lancaster,⁷ and diplomatic missions were prepared and sent to the two theatres of war, Hothum to Ireland⁸ and Leyburn to the north of England.⁹

The attitude of the Anglo-Irish nobility was of vital importance to the government. As the Irish were the touchstone for Bruce's success, so the Anglo-Irish were for the king. They had been allowed a certain amount of independence. The question was whether the government, in the person of Hothum, was strong enough to command their loyalty in the face of possible personal advantage. Even if they did not actually join Bruce,

¹ *Writs of Military Summons*, p. 140. The clergy made conditions, (1) that the king should be reconciled to the barons, (2) that he should use the money for nothing but the Scotch war, (3) that it should be levied by churchmen.

² *Cal. Fine Rolls*, 24. 7. 1317, p. 335.

³ *Cal. Patent Rolls*, 20. 5. 1313.

⁴ *Ibid.*, 5. 8. 1316; *Writs of Military Summons*, p. 169.

⁵ *Fæderæ* (Rymer), p. 270.

⁶ *Cal. Patent Rolls*, 1. 3. 1316 and 16. 3. 1316; *Fæderæ* (Syllabus), 1315, p. 186.

⁷ *Writs of Military Summons*, August 1315, p. 161.

⁸ *Cal. Patent Rolls*, 1. 9. 1315, p. 347; *Fæderæ* (Rymer), p. 276.

⁹ *Writs of Military Summons*, Sept. 1315, p. 169.

their indifference or hostility to English claims, might have been the greatest asset to him.

Such were the preparations made by either side. England had ready all those things which Bruce had to create, but it was doubtful whether the machinery would answer before Bruce's quickness and skill put it out of gear. There was every chance that Bruce might accomplish this in the flush of his late victories; but on the other hand, if the struggle were protracted, the weight and authority of England were bound to tell.

CHAPTER II.

The Winning of Ulster.

In May 1315 an army of 6,000¹ Scots² landed at Larne Harbour, Co. Antrim.³ At their head was Edward Bruce who had bought his experience and learnt

The Landing
of the Scots,
May 26th, 1315.

¹ Pembrige's *Annals*, 1315. (MS., T. C. D., E. 4. 6.) Gilbert printed these annals in Latin from MS., Laud, 526 (Bodleian), in *Chartularies of S. Mary's Abbey*, Vol. II, p. 303, and Camden printed them from the same MS. in his *Britannia* (Holland's Camden gives a translation into English). Gilbert says that Ware "attributed these annals to 'Pembrigius' or 'Pembrige' whom he conjectured to have been a Dublin writer. Ware however did not state the grounds for ascribing the work to him *nor are particulars accessible relative to any writer named Pembrige connected with Ireland.*" It is evident that Ware knew this MS. in Trinity College, Dublin, although Gilbert did not. He finds his authority for Pembrige's name at 1347 where these words occur. "Hic finit^r cronica Pembrig". Ware's knowledge of this MS. is confirmed by an examination of his corrections of Camden's work which are made from it. (Quoted Gilbert, p. CXVIII, note). Pembrige is admittedly the

endurance in every Scottish field. He had proved his bravery when Galloway was won and in the first brunt of Bannockburn, he had tasted leadership when Robert

highest authority among Anglo-Norman annalists. It is not right that he should be known to us only through a transcript made for Viscount Gormanston (*Laud*, 526) when we have the exemplar from which it was made in perfect preservation, clearly written with coloured and decorated capitals, among the muniments of our own University. The script of the *T. C. D.*, MS. may be compared with that of the Bodleian MS. by means of the page of the latter reproduced in Gilbert's *Facsimiles of National Manuscripts*, part III, pl. 54, from which it would appear that the *T. C. D.*, MS. is of an earlier date. A comparison of the substance shows that while the two are practically identical, the *T. C. D.*, MS. has information — a few words here and there — not to be found in the Bodleian MS. (e. g. *T. C. D.*, f. 10v — *Bodleian*, f. 12 and 12v; *T. C. D.*, f. 22v — *Bodleian*, f. 24v; *T. C. D.*, f. 34 — *Bodleian*, f. 38v). Secondly, the Bodleian MS. has all the inaccuracies of the *T. C. D.*, MS. (e. g. *T. C. D.*, f. 5v — *Bodleian*, f. 6; *T. C. D.*, f. 6v — *Bodleian*, f. 7v; *T. C. D.*, f. 7 — *Bodleian*, f. 8v; *T. C. D.*, f. 9v — *Bodleian*, f. 11). Thirdly, where a correction has been made in the *T. C. D.*, MS. advantage has been taken of it in the Bodleian MS. (e. g. *T. C. D.*, f. 3v — *Bodleian*, f. 4v; *T. C. D.*, f. 8 — *Bodleian*, f. 9v) Lastly, where the *T. C. D.*, MS. has a blank, the Bodleian has also a blank (e. g. *T. C. D.*, f. 4 — *Bodleian*, f. 5; *T. C. D.*, f. 12 — *Bodleian*, f. 14). Hence we conclude that the Bodleian MS. is a transcript of the *T. C. D.*, MS., made for Viscount Gormanston.

* There are about twelve reliable sources for Bruce's invasion, besides state papers and miscellaneous references, but they are so confused, especially in regard to chronology, that they appear almost to contradict each other. When the true story unfolds itself they are found to be supplementary. The most accurate, and therefore the best bases for work, are Pembrige's *Annals* and the manuscript in the Cambridge University Library, which formerly belonged to S. Mary's Abbey, Dublin (referred to by Duffus Hardy, Catalogue, Vol. II, p. 366). The Anglo-Irish annals supplement these. Barbour, who seems to tell a different story, supplies further details; while the native annals give a good account of the part played by the Irish. Briefly, the twelve sources referred to are as follows:

Bruce was ill¹ and, above all, in Rathlin, for a winter, he had come to know the Irish people.² Under him were generals of proved worth, Moray and Menteith, Steward and Campbell³—old soldiers, trained to hardness and adventure.

When the disembarkation was safely accomplished, The first skirmish,
Mandeville defeated. Edward Bruce led his men inland. The first resistance they encountered was from the local inhabitants, headed by the resident gentry, Mandeville, Bisset and Logan.⁴ Their forces were easily overcome and Bruce pressed forward to Rathmore and Dunnedergale (Dunadry), both of which fell to him.⁵ Somewhere here O'Neill, king of Cinel Owen, and five other chiefs joined him;⁶ the rest held aloof for they "wished each chieftain to retain the

Pembrige's *Annals*; *MS. Cantab.*, Add. 3392 (f. 133); the *Annals of Clyn, Grace, Dowling and Marlburgh*; Barbour's *Bruce*, the *Annals of the Four Masters*, of *Loch Cé, Ulster* and *Clonmacnoise* and *The Battle of the Fochart of S. Bridget* (Ed. H. Morris in the Co. Louth Archaeological Journal, Vol. I).

¹ Barbour, XIV, 33. Wafering Firth, identified by Skeat and Mackenzie as Larne Harbour. The Anglo-Irish annalists say "near Carrickfergus" which would bear this out. Pembrige gives Clondonne which Butler interprets as Glendun, Co. Antrim. Orpen considers that Clondonne is Clondu(n) males, "lying between Oldersfleet and the town of Larne." Orpen, *Ireland under the Normans*, Vol. IV, p. 62.

² Barbour, IX, 1. 35 *et seq*; *Robert the Bruce* (Maxwell), p. 229.

³ Barbour, III, 1. 683.

⁴ Pembrige, 1315; Barbour, XIV, 1. 23.

⁵ Pembrige, 1315; Barbour, XIV, 1. 45.

⁶ Cé, 1315; *Cal. Inquisitions*, Vol. III, p. 373. Orpen, *Ireland under the Normans*, IV, p. 163 and note 3. Rathmore is Rathmore of Moylinny and Dunnedergale is Dunadry, both are in Co. Antrim, in the parish of the Grange of Nilteen (see map).

⁷ *Fochart of S. Bridget*, the chiefs who came to him were O'Neill, O'Kane, O'Hanlon, MacGilmurry, MacCartan and O'Hagan. The first four of these held serjeanties of the Earl of Ulster (*Cal. Inquisitions*, Vol. VII, p. 378); Barbour, XIV, 1. 105.

chief power over his own district, and hold it free of tribute and taxation.”¹ The Irish, most assuredly, were not united to receive him. From the accounts of their own annalists they were surprised and unprepared for his attack; “all the inhabitants of Ireland, both English and Irish, were stricken with great terrour”² at his coming. Bruce owed such success with the Irish as he had to his appreciation that there was no way to supremacy over the tribes but by superior strength;³ it was the only overlordship which they owned. The voluntary adherence of five or six chiefs was of small use to him, what he wanted was submission.⁴ So the next battle which he fought was against the Irish,⁵ and actually two of the men who had come to him as friends a few days before were amongst his enemies.⁶ The battle was fought at the Moiry Pass⁷ between Newry and Dundalk; Bruce was easily victorious and the Irish fled. At the time he asked nothing more. It

¹ *Fochart of S. Bridget.*

² *Clon.*, 1315; *Uls.*, 1315. “His fame confounded the people of the land.”

³ *Clon.*, 1315. “He harryed and spoyled all Ulster in Generall, tooke theire hostages and collected the revenewes of that province to himself.”

⁴ *MS., Cantab.*, Add. 3392 (f. 133), 1314 (*recte* 1315), “tendentes homines hibernienses debellare et suis dicionibus captivare.”

⁵ *MS., Cantab.*, 1314. “iter paraverunt ad expugnandam cognationem hibernensem, cognatione hibernensi praemunita, diem belli et pugne juxta villam de Dondalkis assignaverunt” . . . The narrative goes on to state that the Scots gave battle and fell upon the Irishmen who turned their backs on the foe and fled to Dundalk; Barbour, XIV, l. 105; *Clon.*, 1315.

⁶ Barbour, XIV, l. 105. Their names are given as Makmartane and Makfulchiane (MacArtain and MacDuilechain, Orpen).

⁷ *MS., Cantab.*, “near Dundalk”. Barbour, XIV, l. 111, at Endwillane, which Innes locates as Moiry Pass in Armagh (see map).

was the wise policy he had learnt from his brother. He demanded nothing until he had the strength to enforce the claim. Instead he pitched his camp at Faughart,¹ near Dundalk, and then struck, with rapidity and skill, against the biggest centre in the neighbourhood. On June 29, Dundalk fell to him² after bitter fighting through the town, so that the streets ran with blood. Bruce put the burghers to the sword, rifled the churches and burned the houses. Then he passed from Dundalk to spread the desolation wider still. In quick succession he sacked and burnt Ardee³ and the neighbouring towns of Meath. All these successes accomplished exactly what he had hoped. The Irish were impressed and the government was frightened by the wedge which had been thrust so quickly into the heart of English influence. But Bruce did not overestimate what he had accomplished. The routing of a party of landowners and the pillaging of a few towns could not give him the northern province. He knew that the real reckoning was with the Earl of Ulster, lord by right and power of the province he had won, and behind him, with the government.

Richard de Burgh, Earl of Ulster, was the most The Earl of Ulster. powerful noble of his day in Ireland. He held the

¹ MS., *Cantab.*, "castra metati sunt apud Fatherid". This is Faughart, north of Dundalk, in Co. Louth, in the barony of Dundalk lower and in the parish of Ballymascanlan.

² *Ibid.*, 1314 (*recte* 1315); Barbour, XIV, l. 214; Pembrige, 1315; Grace, *Annals of Ireland*, 1315, Ed. R. Butler, Dubl. 1842 (Irish Archaeological Society). These annals agree in substance with those of Pembrige and are of no independent authority; Marlburgh's *Annals*, 1315 (MS., *T. C. D.*, E. 3. 20, p. 135). Part of these annals has been printed as a continuation of Hanmer's *Chronicle in Ancient Irish Histories*, Vol. II.

³ Cé, 1315; Malburgh; Pembrige, 1315.

The fall of Dundalk.
June 29th, 1315.

greater part of Connaught and the Earldom of Ulster.¹ And what was far more important, he had ample strength to assert his power over the Irish chiefs. In 1286, he held the hostages of O'Conor for Connaught, and of O'Neill and O'Donnell for Ulster.² Under the government he was keeper of the king's castles,³ and had been leader of the whole Irish contingent in the Scotch wars of Edward I,⁴ for the expenses of which the government was in his debt.⁵ His power was very great. Sometimes, in Irish writs, his name preceded even that of the Justiciar.⁶ In the disturbance of the Scotch wars the government relied on him more than on any other Irish noble. For this reason he began to feel that he was outside the ordinary jurisdiction of the realm. His powers had certainly gone further from control than was altogether wise. In the midst of fulsome assurances that the king trusts in the "tried fidelity of the Earl",⁷ there were appeals to him to "continue his efforts for preserving the peace of Ireland",⁸ and ominous secret orders to the Justiciar that if the earl did not come to the king's service, he was not to leave Ireland.⁹ The government propitiated Richard de Burgh because it had begun to fear him for his strength.

¹ *Lodge's Peerage*, Vol. I, p. 117.

² *4 M.*, 1286.

³ *Cal. Close Rolls*, 20.5.1313, p. 533.

⁴ *Writs of Military Summons*, p. 112.

⁵ *Cal. Close Rolls*, 7.6.1308, p. 38.

⁶ *Cal. Documents* (Sweetman), Vol. IV, No. 714; *Lodge's Peerage*, Vol. I, p. 120.

⁷ *Writs of Military Summons*, 1314, p. 112.

⁸ *Cal. Close Rolls*, 4.1.1315, p. 207.

⁹ *Cal. Documents* (Sweetman), Vol. IV, 849. A message was sent also to the Earl of Ulster that he was to bear in mind that the king relies on him more than on any other man in the land, for many reasons.

The Earl of Ulster raised his standard at Roscommon,¹ summoned Felim O'Conor to him, and with an army of 20,000 marched to meet Bruce.² Edmund Butler, for the government, assembled the forces of Leinster and Munster at Kilkenny, held a parliament there, and with 30,000 men also marched north.³ The two armies met south of Ardee⁴ on July 22. A council of war was held in secret,⁵ as a result of which the army of Connaught marched on alone against Bruce. The Earl cannot be acquitted of this disastrous change of plans. The government had ready, on the showing of the annalists, a force of 50,000 men. Butler, as Justiciar,⁶ should have had control of the whole forces of Ireland — Connaught as well as Leinster and Munster. But the Earl would have none of this. Butler, he felt, was inferior to him. He had always led the armies, and further, Butler held his position chiefly through his agency.⁷ The Earl treated the whole matter as a personal affair. *His* province had been invaded and *his* subject Donnell O'Neill had joined Bruce hoping thus to seize Tir Eoghain. Twice already the Earl had deposed Donnell.⁸ He considered that he was now setting out to do so a third time. The affair touched Ulster

The government forces meet, July 22nd, 1315.

¹ *Cé*, 1315.

² *Ibid.*; *Clon.*, 1315.

³ Pembrige, 1315; *Clon.*, 1315; *Clyn*, 1315. Parliament was held before setting out.

⁴ *Cé*, 1315, Sliabh Bregh, Pembrige, 1315, "ad partes de Dundalk". Barbour, XIV, l. 135.

⁵ Pembrige, 1315.

⁶ See above p. 71. Butler was appointed Justiciar on Jan. 4th 1315.

⁷ *Cal. Close Rolls*, 10.10.1314, p. 199; 4.1.1315, p. 207.

⁸ 4 *M.*, 1286, 1291. He had seized the lordship by force of arms from Niall O'Neill.

and himself, not the southern provinces and Edmund Butler. And so, arrogantly, he sent the southern army back, "alleging that himselfe was of sufficient power to expell Bruce and his Scottishmen out of the Kingdome."¹

Covering skirmish
at Inishkeen.

Bruce awaited the attack a few miles away, at Inishkeen.² His scouts brought news to him that the enemy numbered 50,000.³ The outlook was very bad; the only comfort Bruce could offer his men was that they were too far from home to flee.⁴ Then, unexpectedly, the earl advanced to Louth alone with an army less than half as large. For the moment the Scots were saved, but even so they could not afford to face even this depleted force in an open engagement. So between Louth and Inishkeen only a slight skirmish⁵ took place, sufficient to delay the earl and allow Bruce to make good his retreat amongst the Irish.

Bruce retreats
to Coleraine.

That retreat taught Bruce many things. It showed him the selfish temper of the Irish chiefs and their unreliability. It confirmed him in the belief that there was just one argument to secure them, namely the strong hand. O'Neill advised the retreat⁶ and

¹ *Clon.*, 1315.

² *Cé*, 1315; Barbour, XIV, l. 252, gives Kilros (Orpen, probably Ballyrush a townland in the parish of Inishkeen, Co. Monaghan).

³ Barbour, XIV, l. 254. Throughout this part of the story Barbour speaks of Richard of Clare, Lieutenant of Ireland. It is evident that he means Richard of Ulster.

⁴ *Ibid.*, XIV, l. 276.

⁵ MS., *Cantab.*, 1314 (recte 1315), *Clon*; *Cé*, 1315.

⁶ *Cé*, 1315; *Clon.*, 1315. Orpen (IV, p. 165) considers that Bruce retreated by the west of Lough Neagh and that the Earl advanced by the east, through Ulster. I do not think that this was the order of the retreat. All the authorities seem to show that Bruce retreated by the east of Lough Neagh, through Ulster,

O'Dempsey¹ allowed the passage through his country. Through Ulster, by the east of Lough Neagh and across the Bann at Coleraine he led him. Then when he had

followed by the Earl; that he was led by O'Dempsey across the Bann at Coleraine where he broke the bridge; that he was then brought south to the banks of Lough Neagh between the Bann and the Moyola where O'Dempsey attempted to swamp him from Lough Beg, but Bruce escaped north where he could find nothing to eat because the cattle had been driven away. When he was wandering in this plight Thomas Don sailed up the Bann and ferried him across at some place near Coleraine, from which he attacked the Earl's men coming from Connor. The authority for this view is as follows: MS. *Cantab.*, after Louth, Bruce "returned once more towards Ulster". *Loch Cé* says definitely "northward to Coleraine and to the border of Inishowen". *Clonmacnoise* mentions the earl's passage "through Ulster" and Pembrige says that "the earl followed them to the river Banne"; *Loch Cé* that Bruce broke the bridge before the earl, and Barbour that O'Dempsey led him across "a great river" (XIV, l. 337). Barbour says that he then led him to the "brim of the lake" (l. 339 [Lough Neagh]) and cleared the country of cattle for two days' journey (l. 345); that he prepared to release a dam across "the issue of a lough" (l. 354 [Lough Beg]); that Bruce was between two rivers (l. 369 [Foyle and Bann]) with the Bann on the east of him (l. 373); that he escaped but could find no food (l. 365); and from this plight Thomas Don rescued him by carrying him across the Bann unknown to the Scots (l. 376 and Pembrige, "caute").

¹ Orpen (*Normans*, IV, pp. 164—174) holds that the O'Dymsy episode has been misplaced by Barbour and that it happened in the next year, 1316. The strength of this position rests on the undoubted fact that the chief O'Dempsey seat was Clannmalier (in King's and Queen's counties) and that Bruce passed near it in the following year. In spite of this I am inclined to accept the incident as Barbour tells it. He is reliable for the general outline of the invasion and this incident is told with such detail (see last note) that I do not think we can afford to disregard it. If the incident took place in Clannmalier the "great river" must be the source of the Barrow which was hardly "great", Barbour's statement that Bruce's flooded camp was to the west of the Bann must

caught Bruce between the Bann and another river [the Foyle?] he prepared to release a dam [across Lough Beg?] and swamp the Scottish army. By the merest chance Bruce was able to communicate with Thomas Don, the captain of his fleet, who with commendable resource sailed up the Bann and ferried the entire army to the other side of the river.¹ There they lay, at Coleraine, not two miles distant, but unknown to the Earl's force which had pursued them.² Bruce had broken the bridge at Coleraine³ which had given the Earl his first check. By diplomacy he now detached Felim O'Conor from him.⁴ Then one night his men captured the Earl's entire forage party,⁵ and dressed in their clothes took the English army unawares, dislodged them from their position⁶ and drove them into the town of Connor close by. From English scouts, whom they captured, Moray learned that the next plan was that the whole country-side should be called out, and, with the earl's army from Connor, overwhelm the Scots.⁷ Moray was impressed, "*par Dieu*" said he, "that may be so".⁸ At any rate the position called for all the daring and resource of the Scotch army. Randolph was sent to cut

The battle of Connor,
Sept. 10, 1315.

be disregarded and the saving of the situation by Thomas Don must be separated altogether from the story. Furthermore, there does not seem to be any lake in Clanmalier round which the incidents could have happened. Without these things the "O'Dymsy" episode seems to have lost all point.

¹ Barbour, XIV, l. 376.

² *Clon.*, *Cé*, Pembrige, 1315; Barbour, XIV, l. 389.

³ *Clon.*, *Cé*, 1315. Built in 1248. (4 M.)

⁴ *Clon.*, 1315.

⁵ Barbour, XIV, l. 415.

⁶ *Clon.*, 1315; Barbour, XIV, l. 450.

⁷ *Ibid.*, XIV, l. 460.

⁸ *Ibid.*, l. 487.

off a party of the English by ambush. Mowbray was detailed to place the banners before the baggage in the hope of drawing the English by the feint, while the main body of the Scots attacked in the rear.¹ The engagement was entirely successful. The Earl's army fled and on September 10, the Scots entered Connor in triumph.² William Burke, the Earl's cousin, FitzWarren and John Mandeville³ were captured and the Earl was completely overthrown. The Scots had nothing but scorn for him:

"For all that month I trow that he
Shall have no great will for to fight."⁴

The Irish annals tell the same tale — "the Red Earl remained without force or power in any of the parts of Ireland."⁵ His army was cut in two, the Connaught men were chased back to their own country and the rest of the English fled to the Earl's town of Carrickfergus.⁶

It was Bruce's first important victory. By it he proved that the invasion was possible; by his next measures he justified his brother's choice of him as general. He despatched Moray to Scotland on September 15,

Ulster subdued,
except
Carrickfergus.

¹ Barbour, XIV, l. 534 to end and XV to l. 90. Barbour says that Butler, FitzThomas, Kildare, Bermingham, Verdon, etc., were all at the battle of Connor. This is not supported by any other source.

² *Clon.*, *Cé*, Pembrige, 1315.

³ *MS.*, *Cantab.*, 1314 (recte 1315); *MS.*, *T. C. D.*, *E. 3. 20*, 1315, p. 103; Pembrige, *Clon.*, 1315; Barbour, XV, l. 75; *Fochart of S. Bridget*, 300 of the Earl's men were killed, 7 knights and two foster brothers of Felim O'Conor. Felim himself had returned to Connaught (*Clon.*, 1315).

⁴ Barbour, XV, l. 80.

⁵ *Clon.*, 1315.

⁶ Pembrige, 1315.

with the prisoners and spoils,¹ to bring home news of the victory. He sent also four ships with him to bring back reinforcements,² for he saw that the next encounter would be harder, and probably further from his base. He himself, with only one night's delay, followed the English army and lay before Carrickfergus,³ waiting Moray's return. He was not strong enough to take the town and his position was too precarious to stand a long siege, so when Moray came back, with 500 more troops, he decided to march south. He left a force on guard and marched to Nobber which fell to him,⁴ and which he garrisoned as an outpost to prevent help being sent to Carrickfergus while he was away.

There was another reason for leaving Carrickfergus for the moment. When the Earl of Ulster sent back the levies of the south and made the issue private war, he gave Bruce a valuable lead. Hothum's mission⁵ had just arrived and had failed to unite the selfish interests of the great lords. This suggested the possibility of a plan to divide the enemy, which Bruce exploited with great skill. During the autumn of 1315, he marched from place to place, burning and wasting as he went. About December 6, he came up with the army of Roger Mortimer, lord of Meath, at Kells.⁶ A fierce battle

¹ Pembrige, 1315.

² *Ibid.*

³ *Ibid.*, Barbour, XV, 1. 95.

⁴ *MS.*, *T. C. D.*, *E. 3. 20*, p. 103; Pembrige, 1315. Nobber is in the parish of the same name, in the barony of Morgallion, Co. Meath (see map).

⁵ *Cal. Patent Rolls*, 1. 9. 1315, p. 347; *Fædera* (Rymer), p. 276.

⁶ *MS.*, *Cantab.*, 1314 (recte 1315); Pembrige, 1315, the correct order of Bruce's battles is given in the summary at the beginning; *Fochart of S. Bridget* also gives the correct order and adds "after the battle of Kells the Galls did not trouble them (the Scots) much."

ensued, one of the hardest that Bruce fought. In it he was victorious, but he owed his second great success to treachery in the English host. Mortimer brought an army of 15,000 against Bruce, but he unwisely numbered amongst them the rival claimants for his territory, the de Lacy's. Early in the day, when things were going badly, they deserted him and joined the Scots.¹ Mortimer was "shamefully foyled"² and fled to Dublin, and Bruce proceeded on his way. He had made such an impression on the country that for two months he marched almost unopposed through the midlands, devastating all the country round him as he went. Christmas Day (1315) Through Leinster he spent at Lough Sewdy;³ leaving the fires of Granard, Fynnagh and Newcastle in his wake.⁴ Then, when the feast was passed, he set out again on his sinister journey. Through Rathangan and near Tristledermot he went,⁵ pushing right up to the fringes of the lands of Butler and FitzThomas to provoke a contest with them. His advance forced them to meet him in an open engagement, so on January 26, 1316, Butler, FitzThomas and

to Kildare; Battle
of Skerries,
Jan. 26th, 1316.

¹ Pembrige, 1315.

² Campion, *History of Ireland*, p. 122 (included in *Ancient Irish Histories*, Vol. I).

³ Pembrige, 1315; Orpen, *Ireland under the Normans*, Vol. II, p. 81. Lough Sewdy was the "principal seigniorial manor in West Meath." See map.

⁴ MS., *Cantab.*, 1314 (recte 1315). Pembrige also gives this order, which Orpen considers correct. In both annals this part of the narrative is very much confused — the battle of Kells being placed after Skerries, although the correct order is given previously. Orpen, IV, p. 173, Fynnagh is "Finnea on the boundary between Westmeath and Cavan." Newcastle is in the parish of Forgney, barony of Shrude, Co. Longford (see map).

⁵ Pembrige, 1315; Orpen, IV, p. 175. Tristledermot is Castle-dermot in the parish of the same name Co. Kildare (see map).

Power joined the third great issue with the Scots at Skerries.¹ "Any of them alone", says Grace bitterly, "could easily have driven him back," but instead of being a government force under a supreme command, they were a collection of private armies, bound together only by self interest. Unfortunately, they quarrelled, and what might have been a victory was turned into an inglorious rout.

On the sea Bruce's success was equally satisfactory. Thomas Don lay off Holyhead, both to watch the Welsh interest and to injure English shipping. Early in November his chance came. One of the king's ships attempted to put in to the port. Don attacked it and carried it off with all its goods. The capture seems to have been made with the connivance of the Welsh ruler, for he held communication with Don and was so slow in raising hue and cry that the pirate and his Irish accomplices escaped.² The success of the enterprise was useful both as a revelation of the Welsh attitude and as a victory over English shipping.

The superior strategy of Bruce.

Bruce had every reason to be pleased with his first campaign. He had planted his foot firmly in Ulster, he had wasted the midlands and he had defeated the three greatest nobles of the day. He could hardly have dreamt of such quick success when he set out. The Earl of Ulster was a man of great power and of greater repute, but his army was shattered and he himself a fugitive. Mortimer brought from England one of the greatest names in the land. Butler was head of the

¹ *MS.*, *Cantab.*, 1314 (recte 1316). Skerries in Leinster; *MS.*, *T. C. D.*, *E. 3.20*, p. 103, on Jan. 26, 1316; Pembridge, 1315 (recte 1316). Skerries near Arscoll. This is Skerries in the parish of Narraghmore, Co. Kildare.

² *Cal. Patent Rolls*, 20. 11. 1315.

government and a man of wide influence in the country. There is no doubt that Bruce could have done nothing against a combination of the English forces, his success lay in his handling of them. The lesson of the campaign was his superior generalship. By making use of the disunion of the armies, he was able to render their greater numbers useless. By his skill, he evaded an issue with the crown. The battle of Connor was fought as a personal affair, the result of Kells was vital to Roger Mortimer alone, while the battle of Skerries¹ was forced on Edmund Butler in self-defence.

¹ Clyn, 1315 (Ed. Butler). Besides the transcript of Clyn's *Annals* (MS., T. C. D., E. 3. 20, p. 355) used by Butler for his edition of Clyn, there is another transcript in MS., T. C. D., E. 3. 20, p. 399. It begins "Liber communitatis fratrum minorum Kilkenni (sic) in custodia Richardi Shee militis et cronicon hoc scriptum per Johannem Clyn gardianum fratrum anno 1348." The original was evidently the book mentioned by Rothe (*H. M. C.*, II, 209) "I have collected out of an Auncient Booke or cronicle sometyme belonging to the gray ffrerie of Kilkenny, written in velom in a faire attentiue hand by a friar called Clyn, div'se notes woorthy to be remembred." He says that the book was shown to him by Richard Shee, Knt., who had it in his custody. Both transcripts are similar in substance, which leads us to believe that they were made from a common original. The former (MS., T. C. D., E. 3. 20, p. 355) is fuller and altogether more careful; the latter (MS., T. C. D., E. 3. 20, p. 399) more brief and less accurate. It has certain variant readings. For instance: —

The number of Scots killed at Skerries: 1st transcript, "cca 70" (Butler, "circa 70"); 2nd transcript, "270".

The attitude of the Irish to the Scots: 1st transcript, "hoc anno omnes hibernici fidem fedis: (Butler: "fediss[ime]) et fidelitatem deserentes . . ."; 2nd transcript, "hoc anno omnes hibernici fidem foedus et fidelitatem deserentes . . ." etc., which solves Butler's difficulty.

The battle of Athenry: 1st transcript, "secundum communem relatum summa totalis v . . . m (in margin, 'here is a manifest

CHAPTER III.

The Triumph of the Scots.

Famine. The scene which opens in Ireland with the early months of 1316 is sad and dark with tragedy. A gloom seems to have settled on the whole countryside. Famine and sickness, the dreadful twin guests "who waited not to be invited", followed hard on a year of such warfare. The record of the passage of the armies is touching in its hopelessness — "they did not leave neither field of corn undestroyed nor towne unsacked nor unfrequented place (were it never soe little nor soe desert) unsearched and unburnt."¹

The harvest of a charred desert was the bitterness of dust and ashes. Day by day the price of corn rose. What before had been dear at four shillings, now went for forty;² and even the well-to-do, who might have relieved others, went abegging. In England it was little better — "want and dearth upon the earth the poor have

rasure in ye originall'; Butler "v . . . m") in universo, numerus capitum abscisorum mille quingenta capita"; 2nd transcript, "secundum communem relatum summa totalis fyve hundred and a thousand in universo. Numerus capitum abscisorum mille quingenta capita". Here, I think, the English is inserted as an inference from "mille quingenta capita".

Bruce's Kingship: 1st transcript, "usurpans si nm (in margin, 'sibi nomen') et vocari a suis se faciens regem hibernie" (Butler has this reading); 2nd transcript, "usurpans sibi nomen et vocari ausus se (sic) faciem regum hibernie". The construction of the 1st transcript is more accurate and is probably the reading of the original.

¹ *Clon.*, 1315.

² *Clyn*, 1316.

seized upon."¹ The harvest in both countries had been very bad and the suffering was acute. With fear and shame, men began to see in their affliction the hand of God out-stretched to punish sin. In Ireland, this suffering lasted for two dreary winters, and many died; then, in answer to the prayers of the poor, by the great mercy of God, the price began to fall.²

But bad as the present suffering undoubtedly was, the outlook for the future was even worse. Nemesis herself, seemed to have overtaken the government for its inefficiency. With a losing cause treachery stalked unashamed in Ireland among the nobility and the Irish.³ There were signs of it, too, amongst the English barons, and Wales was already stirring in revolt.⁴ The government was able to stave off the dangers nearest home, but with Ireland it was different. After the defeats of the previous year and the desertion of so many English, the government did not know exactly how it stood. For this reason, in February 1316, Hothum was again hurried to the scene and the nobles were ordered to come and prove their loyalty. The FitzThomases, de Clare, the Roches and the Powers came, but in the list there is an

Depression of the English outlook.

Doubtful loyalty everywhere.

¹ *Political Songs of England*, p. 323. "Poem on the Evil Times of Edward II." It is a contemporary work and so the language is not easily intelligible to the general reader. For this reason an attempt has been made to give a rendering of quotations in modern English; keeping closely to the metre and expression. The poem is an able satire on the abuses of the time; *Cal. Patent Rolls*, 20. 2. 1316.

² Pembrige, 1318.

³ *Fædera* (Rymer), p. 283. The Scots "eient attrete devers eux touz les ireys d'Irlaunde et graunde partie des grauntz seigneurs et menes gentz Engleis de la dite terre, soient donez as ditz enemyz nostre seigneur le Roi, et les noz, contre leur foie, et lour liegeaunce."

⁴ *Ibid.* (Syllabus), February 1316, p. 187.

ominous absence of the names of the Earl of Ulster and de Lacy.¹ De Lacy tried to clear himself later and the Earl may not have been able to come from Connaught at the moment. However that may be, the government saw fit to hand round rewards to those who did.² There can have been no other reason for the honours heaped on FitzThomas and Arnold Power, for their latest notoriety had been their flight from the battlefield of Skerries. Nor can it have been to enlarge their powers, for after the award paralysis fell on the country and the machine of war was still.

Money running low.

When the government was faced with this situation, it was at the same time bearing the strain of a financial burden which was like to break it. The revenue was inadequate for a time of emergency. Expenses were increasing daily and there was no money to meet them. All through 1316, matters got worse. At the beginning of the next year a special meeting of the council was called to provide money, but with little success — "they at that time found no one who would make a loan to the king except the mayor, aldermen and certain men of London" who lent £ 1000 to be repaid within the year.³ As this was of little use, the king turned to the merchants and asked them for an extra custom over and above what they already gave. The king explained

¹ *Fæderæ* (Rymer), p. 283. Pembridge, Clyn, 1315 (both Pembridge and Clyn begin the year with March 25); In 1308, the Earl of Ulster had knighted the de Lacy's. Notice this connection between the two.

² *Cal. Charter Rolls*, 14.5.1316; 17.5.1316, p. 307. FitzThomas was made Earl of Kildare and Power was given lands. Butler had been made Earl of Carrick in Sept. 1315, "for good service rendered and to be rendered." This was just the time when he turned back at the bidding of the Earl of Ulster (see p. 80).

³ *Cal. Patent Rolls*, 8.1.1317.

that he needed it "for the war in Scotland and other arduous and urgent necessities incumbent on him, for the discharge whereof it will be necessary to pour forth infinite money."¹ The merchants gave the New Custom but the king's need for money was not satisfied. He had exhausted all the means which could have produced it and yet he had not enough. In his extremity he turned to heavy borrowing. There were many societies of foreign merchants in the realm who were only too willing to lend. The Friscobaldi, his father's friends, had fled away with all that they could lay their hands upon, but there were still the Bardi, the Ricardi, the Lucci and the Spini whose store of wealth was great. But so were their interest and rapacity, and for their loans the nation paid in extortion and restricted privilege.

There was yet another source of anxiety. The Bruces were receiving considerable help from abroad. Flanders was sending succours to them in the hope of embarrassing England,² Genoa was supplying them with ships,³ and help was leaking through even from England, in spite of proclamation and heavy penalty.⁴

It is with something of relief that we turn from the depression of the English outlook to the brilliance of Bruce's success. With a skill equal to his brother's

Success of the
Scottish arms.

¹ *Cal. Fine Rolls*, 24. 7. 1317, p. 335.

² *Fœdera* (Rymer), 27. 3. 1315, p. 265.

³ *Ibid.* (Syllabus), 18. 6. 1316, p. 189.

⁴ *Cal. Patent Rolls*, 4. 10. 1314, p. 240. Money was raised in Cumberland for the Scots. *Ibid.*, 11. 3. 1315, p. 259. There were ships in Boston with arms and victuals for them. *Ibid.*, 16. 10. 1315. Lynne, Norfolk and York were sending help. *Ibid.*, 3. 10. 1316. Dorset, Devon, Somerset, Cornwall and Gloucester sent help. *Fœdera* (Syllabus), 4. 11. 1315, p. 187. The men of Durham were forbidden to make private truces.

he had over-run Ulster, half of present Leinster, and Connaught and Munster were ready to join him — and all within eight months. After his victory at Skerries, two courses lay open to him. He could either march straight on Dublin, the heart of English resistance, or he could retire on Ulster, stamp out the danger spot of Carrickfergus, and then advance with his rear secure.

Two courses open to Bruce. It was the choice with which Robert Bruce was faced after his first victories on the west of Scotland. On the one hand was the border garrison, on the other the north to be won. Both brothers chose the northern course, but where Robert was right, Edward was wrong. For in Scotland the borders had behind them the whole weight of England, while in Ireland the Dublin garrison stood in dangerous isolation. Undoubtedly the famine which was beginning in the midlands frightened Edward Bruce and in a measure forced his hand. It was his first mistake. Though he did not know it, he was throwing away his one chance of success. At the time it cost him nothing, but the settlement was only deferred. When the account was paid it was with his life.

He retires on Ulster.

Bruce retired on Ulster through Athy, Reban, Lea, Geashill and Fore.¹ In his journey he destroyed the Church at Abbeyleix.² Thence he proceeded to the Castle of Morghkuryh³ (Magh Cobha, the Crown Mount

¹ Pembrige, Marl., 1315 (1316); *MS.*, *Cantab.*, under 1314. Reban is in Co. Kildare, Lea in Queen's Co., Geashill in King's Co., Fore in Westmeath (see map).

² Pembrige, 1315 "ecclesia nove ville de Leys" — "Leys in Lagenia"; Dowling, 1105 "dedicavit monasterium de Lege Dei in Lease Carroghain in Lagenia". This was the modern Abbeyleix (see *Chartularies of St. Mary's Abbey*, II, p. 218).

³ Pembrige, 1315. (*MS.*, *T. C. D.*, *E. 4. 6.*) After recording the burning of the church at the New Town of Leys, the *MS.* continues

near Newry?), which fell to him, and took up the siege of Carrickfergus in earnest. Its defence had devolved on the Mandevilles¹ in the absence of the Earl of Ulster. Old Sir Thomas Mandeville led the garrison, while the other brothers of the family seized provisions from the Isle of Man² and gave warning to the fleet that help was needed. On April 10th 1316, Easter Eve, at dead of night, fifteen ships sailed up to the town. Mandeville was expecting them, but Bruce was unprepared. Barbour says that the Scots had granted a truce for the Easter feast.³ At any rate, that night the Scotch guard was

The siege of
Carrickfergus
spring 1316.

"et castrum de Morghkuryh in Ultonia capitur a Scotis." This has been handed down to us as "Norghburgh" which word it resembles in a cursory glance at the MS. Grace, Marlburgh, Camden and Gilbert have given us this reading. The two former derive directly from Pembrige, the two latter through the Bodleian transcript (*Laud 526*). But Pembrige (*E. 4.6*) is the common origin of all and he has "Morghkuryh" quite clearly. Orpen (using *Laud 526*) considers that Northburgh in Inishowen is meant, but I do not think that Bruce ever penetrated right round Lough Foyle as far as the present Greencastle; also Pembrige places its fall after the burning of the church at the New Town of Leys, when Bruce was retiring on Ulster. It is possible that it may be the castle of Magh Cobha or Moy Cova in Iveagh, Co. Down. From its history we know that this castle occupied an important strategic position (see R. S. A. I., Vol. XLIII, p. 35 note 2) which Bruce would need to secure on his way to the siege of Carrickfergus. Whatever may be thought of this identification, the preeminence of Pembrige's authority is undisputed and his accuracy is scrupulous. We must accept the word as he gives it to us, "Morghkuryh", until some independent authority is found for the reading "Norghburgh".

¹ Pembrige, 1316; Barbour, XV, l. 111; *MS., Cantab.*, under 1314.

² "Chronicle of the Kings of Man", 1316 (Camden, *Britannia*).

³ Barbour, XV, l. 247.

"In time of truce issued they
On such a time as Easter day,
When God rose all mankind to win
From tarnish of old Adam's sin."

broken, but only after the last man had been cut down and the Scots had had time to rally behind them. By their bravery the edge was taken off Mandeville's attack. When the Scot, Neil Fleming, the leader of the little company, was disposed of, Edward Bruce was ready to turn the sally to his own account. The English were divided into three parties. Bruce struck right at the centre where Mandeville led. After bitter fighting through the streets, Mandeville himself was slain and his men scattered.¹ Although the town was now in Bruce's hands, the citadel still held out. The gates were closed, the drawbridges taken up, and the garrison prepared itself to face the worst hardships it had yet endured.

Coronation.

The remaining stages of the siege were merely a matter of time, so Bruce withdrew to Dundalk for the crowning of his labours. Here, on May 2, 1316, he was made king of Ireland.² The records of his "reign" are scant. He certainly set up courts of justice,³ executed deeds⁴ and gathered a court around his person.⁵ Further than that we know nothing of his

¹ Barbour, XV, ll. 95—250; Pembrige, 1316.

² Pembrige (1315), in summarising the chief events of the invasion gives the battles at the Bann, at Kells and at Skerries and continues "et prædictus Edwardus le Brus cito post festum Phillipi et Jacobi fecit se coronari in regem hibernie"; Clyn, "At this time (after the return to Ulster) Bruce bore himself as king of Ireland"; *Fochart of S. Bridget*, the coronation took place at Dundalk, on the hill of Maeldon; Barbour in narrating the siege of Carrickfergus says that Bruce was then called king of Ireland.

³ Pembrige, 1315 (opening of 1316).

⁴ Gilbert's preface to Laud 526 (*Chart. S. Mary's Abbey*, Vol. II), p. 131.

⁵ "O'Neill's Remonstrance", *MS.*, *T. C. D.*, *E. 2. 28*, p. 389, l. 12, col. 1.

rule. After his coronation he went for a space to Scotland and then, in June, returned to finish the siege of Carrickfergus. On June 24 he called on the defenders to surrender. The keepers of the castle, pretending acquiescence, received a deputation of thirty Scots and when the gates had closed behind them continued the defence. Their action, if the report is true,¹ is the one blot on an otherwise heroic resistance. By the end of June their provisions were running low. In Dublin there was some distress that nothing was done to relieve these brave men. Otherwise no one seemed to care very much that every day some were dying of starvation and the rest supporting life on the hides of the meat they had finished.² In July, the government awoke to the fact that something must be done, and eight ships were prepared at Drogheda with provisions ready for Carrickfergus. It was just the help which might have saved the garrison and which had been so eagerly watched for all the summer. The ships set out, but on the way they were met and commandeered by the Earl of Ulster; and so the last hope of the garrison was taken away.³ The defenders had been given no backing worth the name, and with the realisation of this, their incentive passed. For a little while longer they held out to secure good terms. Then early in September they tendered their surrender and the Scots nobly granted them their lives.⁴ In all that year of darkness for the English

The fall of
Carrickfergus,
Sept. 1316.

¹ Pembrige (1316) is the only annalist who gives the incident. Barbour, although he wrote from the Scottish point of view, has no mention of it.

² Pembrige, 1316. Pembrige even records that the garrison had eaten eight of the thirty Scots, "unde dolendum fuit quod nemo talibus succurreret."

³ *Ibid.*

⁴ *Ibid.*; Barbour, XV, l. 256.

cause, the defence of the gallant little garrison in Carrickfergus was the only ray of light. For almost a year it had maintained itself by lightning assault and strategy, anxiously watching for help which never came, and when at last it surrendered, it was upon terms of honour. When that event happened its work was done. It had thrown the first real obstacle in Bruce's path, it had acted as a rallying point for the English of the north and, above all, it had been the inducement to Bruce to return there after Skerries instead of marching on Dublin. Once again Bruce had to thank the Earl of Ulster for his timely help. As the self-confidence of the Earl had led to the defeat of Connor, so again his selfishness gave Bruce his chance. This time it took the form of diverting the provision ships destined for Carrickfergus to the ransom of his kinsman, William Burke. That act virtually delivered Carrickfergus to Bruce, and yet on the very next Sunday the Earl joined hands with other magnates and swore that he would die for king and country.¹ The place for any such demonstration was before Hothum in the preceding February. He had still to be taught that where his death was superfluous, his obedience was essential.

**The part played by
the Earl of Ulster.**

**The highest point
of Scottish power.**

After the fall of Carrickfergus, Bruce's power reached its zenith. Foremost among the fruits of his labours was the fact that by his success he had won the Irish. In this year of victory, they threw off their allegiance and prepared themselves for war.² Each blow which Bruce struck home against the English had its echo on the fields of Connaught or in the Wicklow hills. When Connor was won, the king's castles in Connaught were

¹ Pembrige, 1316.

² Clyn, 1316.

attacked;¹ when he successfully plundered the midlands it was the signal for the ravaging of Leix and Wicklow by O'More, O'Toole and O'Byrne;² and as he returned in triumph from Skerries, the fires of Arklow, Newcastle and Bray lighted up the sky.³ When by his strength he had won his coronation, the Irish received him with open arms, but it was solely because he had obtained sovereignty "without opposition".⁴ With the event a fresh outburst of vigour brought the southern tribes right to the confines of Dublin.⁵ Finally, when Carrickfergus fell all the west blazed out under Felim O'Conor. Athlone fell to him,⁶ but his alliance of Irish kings was totally defeated at Athenry.⁷

But Bruce's fame went beyond Ireland. The rebel Welsh sent a deputation to him, asking him to help them to do in Wales as his brother had done in Scotland and he in Ireland. Bruce's reply was arrogant in the extreme. He demanded the supreme power as freely as their princes had held it.⁸ The offer from Wales

Once again the
dream of a Celtic
Kingdom.

¹ *Clon.*, 1315, Roscommon, Randon and Athlone as well as others.

² Pembrige, Clyn, 1315; Marlburgh, 1316. The O'Mores burned Leix, but were defeated at Balilethan (probably Ballylehane a townland in Queen's County, Orpen). The O'Tooles and O'Byrnes ravaged Wicklow.

³ Pembrige, 1315. This was the work of O'Toole and O'Byrne

⁴ *Cé, Clon.*, 1315.

⁵ Pembrige, 1316. O'Byrne was repulsed by the citizens of Marlburgh, under Comyn. O'Toole was defeated in Cullenswood later in the summer.

⁶ *4 M.*, 1316. Pembrige, 1316.

⁷ *4 M.*, 1316. Pembrige, Clyn, Marl., 1316. Clyn gives the number killed as 1500; *Cé*, the battle was fought on Aug. 10, 1316.

⁸ Powel, *History of Wales*, pp. 311 and 312, "necnon capitale dominium vestri prout aliis hactenus Princeps vester liberius habere consuevit."

was only the completion of the brothers' plans, justified by Edward's latest success. At this time there seemed to be no power in Ireland which could withstand him. The government was his greatest enemy, and there the spirit that he saw in the panic legislation which his victory provoked, might have heartened any man. Hothum was again hurried up,¹ a council was called at once,² the command was changed on land and sea,³ each man was made responsible for the protection of his estates⁴ and £ 100 was offered for his own charmed person.⁵

Edward Bruce believed that he had accomplished his task and that Ireland was won. And so, to acclaim his victory he invited his brother, the king of Scotland, to visit him in his kingdom of Ireland.⁶ When he came, the final touch was to be given in the form of a circuit⁷ of the land in keeping with the custom of its people. It was meant to complete the subjection of the east, to put the crown on their success and to inaugurate the reign of Edward Bruce over the whole country. There was just one thing that they overlooked because it was too indefinite to convey its meaning. The communities of Dublin and Drogheda petitioned the king for reform

The Invitation from
the King of Ireland
to the King of Scot-
land.

¹ *Cal. Close Rolls*, 1.9.1316, pp. 307 and 308.

² *Ibid.*

³ *Cal. Patent Rolls*, 23.11.1316. Butler was removed and Mortimer made Keeper and Justiciar; *ibid.*, 28.3.1317, John of Athy was made captain of the fleet when Mortimer came.

⁴ *Fœdera* (Rymer), p. 309, Jan. 1317.

⁵ *Cal. Patent Rolls*, 3.10.1316.

⁶ Barbour, XVI, 1.8. Pembridge, Clyn, 1316.

⁷ Barbour, XVI, 1.53. The brothers took council and decided to take their way through all Ireland from end to end. Compare *The Circuit of Ireland by Muircheartach MacNeill*, with the campaign which followed and the similarity will appear.

of the government.¹ In the midst of so much success and assurance, the brothers did not hear in the request the first stir of an awaking middle class. The noise and shock of that year of calamity had roused it from sleep, the two years that followed girded it and sent it forth in its new-found strength to settle with the breaker of its peace.

CHAPTER IV.

“An high flood, a low ebb.”

If dying Rome left the monster feudalism to the world, she left also the means to slay it. For alongside of towering seignories went the humble growth of towns, self-contained and independent, an anomaly in a feudal world. The chain across the continent was complete — Drogheda and Bristol, Calais and Ypres, Hamburg and Genoa — all were of one fraternity. They developed quietly and distinctively, unconsciously preparing for the time when they would be called to play their part. It is the glory and strength of England that she was among the first to make the call. As she cleared the ground of the bad growths of feudalism, so she was the first to give the towns a breathing place. The lesson of the fourteenth century was the value of unity, taught by the strength of the town-dwellers when they worked as one. It was too hard a task for the feudal state to master. It was broken by the knowledge that in the union of the weakest lay the greatest

¹ *Cal. Close Rolls*, 8. 8. 1316, p. 358; 22. 4. 1317, p. 405.

strength. When the lesson was learnt, feudal forms had passed away.

At the same time, it must be remembered that this source of strength was found almost by accident. When the towns were called to freedom in the parliament of 1295, it was not because they could no longer be kept out of political power, but because they could no sooner be brought in. For themselves they asked nothing better than to be let alone. Their tendency everywhere was to develop towards a city state. It was the happy accident of the sovereign's poverty and their wealth that knit them with the nation. When we think of the part they had to play, surely it must be a source of pride to us that our Irish cities were as highly developed as English cities of the day;¹ that our charters were as comprehensive,² our mayors as able,³ our citizens as munificent,⁴ our city courts and guilds and guard as strong,⁵ our trading laws as strict,⁶ and above all, that in the face of danger our judgment was as clear and our temper as alert.

As we stood in line in development, so it is good to think that we were ready among the first to take

¹ *H. M. C.*, Reports on corporation muniments, e. g., Bridgwater, III, p. 310; Kingston-on-Thames, III, p. 331; Totnes, III, p. 342; Hythe, IV, p. 429; Rye, II, p. 489; Bridport, VI, p. 475; Faversham, VI, p. 505; Chester, VIII, p. 356.

² For example, those of Dublin (Gilbert), Cork or Galway (Hardiman).

³ Campion speaking of Dublin says, "this mayoralty both for state and charge of that office . . . exceedeth any city of England except London." *Cal. Documents* (Sweetman), IV, 658, 682; Pembridge, 1308, 1313, 1351; *Galway* (Hardiman), p. 71.

⁴ Pembridge, 1283, 1308, 1313, 1351.

⁵ *Cal. Documents* (Sweetman); *Records of Dublin* (Gilbert).

⁶ *Ibid.*, pp. 2, 135; "Assembly Roll", 1459, 1460, 1491.

The middle class
prepared for
power.

our place. In August 1316, the communities of Dublin and Drogheda laid their petition before the king.¹ They demanded regular parliaments, because they saw that private enterprise was taking the reins of government. They asked for stricter law and a closing up of the ranks of the liege people, because they saw that easy pardons were causing increased crime and disorganisation. Then for a time they stood back and waited, content to be on guard and watch events. And they had not long to wait. At the end of 1316, there had seemed to be a disposition towards peace. Robert Bruce had even gone so far as to send Randolph and Menteith to meet emissaries of the English king.² There was a new king of France, Philip V, who desired it, and a new Pope, John XXII, who was eager to promulgate a truce.³ But it is doubtful if the negotiations ever meant anything at all on Bruce's side. It is probable that they were only used by the brothers as a convenient breathing space and as a mask for their real intention.

In the beginning of February, 1317,⁴ they set out from Carrickfergus. First they marched to Saul, then to Downpatrick,⁵ where they rifled the monastery⁶ and destroyed it, then to Bright⁷ where they burnt the church. It is most probable that in this progress through Co. Down their next move was to the adjoining Green-

The action of
Dublin and
Drogheda.

The Bruce
advance
from Ulster.

¹ *Cal. Close Rolls*, 8. 8. 1316, p. 358; 22. 4. 1317, p. 409.

² *Fœdera* (Syllabus), 23. 11. 1316, p. 190.

³ *Ibid.* (Rymer), 1. 1. 1317, p. 308.

⁴ *MS. Cantab.*, After Feb. 2.

⁵ Pembrige, 1316. Both in Co. Down (see map).

⁶ *The Rosslyn Missal* was probably stolen at this time. It is at present in the Advocates' Library, Edinburgh, but there is evidence to show that it was at one time in Downpatrick. See pp. xiv—xix and 181—182 (Ed. Lawlor).

⁷ Pembrige, 1316.

castle,¹ in the parish of Bright, for it fell about this time. On February 16 they arrived at Slane,² and from there marched to Skreen.³ The Earl of Ulster was at his manor of Ratoath⁴ and was taken entirely by surprise.⁵ The Scots came with greatly augmented power, for they had with them the Ulster army⁶ — probably at their command since Bruce's dominion over the province. In spite of so formidable a host the Earl made as good a stand as he could. He hid his men in a wood at either side of a defile, let the Scotch army pass and then attacked the rear intending to draw them back to their destruction. Sir Colin Campbell was deceived

¹ Pembrige, 1315 (summary of Invasion), "castrum viride receperunt et suos ibidem relinquerunt." This was Greencastle in the parish of Bright, the "capella Sti. Finiani de viridi castro" referred to in Regist. Flem. (Ed. Lawlor, pp. 98 and 114). It was called "Grene castel in comitatu de Lecale", as distinguished from the present Greencastle, in Mourne, see Reeves, *Ecclesiastical Antiquities*, p. 31, note *n*.

² *MS. Cantab.*, Slane in Co. Meath.

³ *Ibid.*, "Scrn". This is Scrin or Scrin-colum Cille (O'Donovan) the modern Screen, Co. Meath, see map.

⁴ *MS. Cantab.*, "Dominus comes Ultonie fuit apud Rathethon (or Rathethou) in manerio suo"; *Pipe Rolls*, 8 Ed. III, the Earl had a manor at Rathouthe, Co. Meath; Orpen, II, p. 76, the Earl held in special tail Hugh de Lacy's former manor of Ratoath. Ratoath is in the direct line between Slane and Dublin which establishes its identity with the Rathethon of the Cambridge MS.

⁵ Pembrige, "occulte usque Slane."

⁶ *Ibid.*, under 1316 (MS., *T. C. D.*, *E. 4. 6*). The Scots advanced to Slane "cum viginti milibus armatis (sic) et exercitus Ultonie cum illis et depreudaverunt ante ipsos totam patriam." This Gilbert has rendered as "et exercitus ultonie coram illis" etc. Orpen, *Ireland under the Normans* (IV, p. 185), considers that this "seems to say that the Scots reached Slane without being perceived, though the army of Ulster was in their presence" etc. But Pembrige is quite clear "exercitus ultonie cum illis."

by the feint and turned to attack the English. But the Earl had the ability of a great soldier to reckon with. Robert Bruce saw the trap, checked the ardour of Sir Colin and saved the field for his brother. The victory was dearly won:

"In all the war of Ireland
So hard a fighting was not seen,"

but it was decisive for after it the Earl fled to Dublin to take refuge there.¹

It was a critical moment for the citizens of Dublin. The crisis was on them almost before they knew it. Bruce's army had defeated the last stand of the nobles Dublin gets ready. and was closing in upon the city. If Dublin fell, it would mean that English power in Ireland was, for the moment, at an end. They needed all their strength, and that undivided, to cope with such a danger. At the moment, fate had put into their power the man whose arrogance and selfishness had twice before helped Bruce and who had now been completely defeated in the field. Dublin suspected treachery of some sort, for the Earl knew more of the Bruces than anyone. He had been at least twice in Scotland with Edward I. In 1302 Robert Bruce had married his daughter, and in 1313, Bruce had landed by permission of the Earl to make a treaty.²

The boldest course was obvious. In face of the 1. Earl of Ulster arrested. country's peril, the community took it without hesitation. A detachment led by the mayor, Robert Nottingham, went to St. Mary's Abbey where the Earl was lodged,

¹ Barbour, XVI, ll. 80—260. Barbour gives a good description of the battle.

² Pembrige, 1313 (MS., T. C. D., E. 4. 6), "idem Robertus applicuit per licentiam comitis treugas capiendo."

arrested him, brought him to the castle and imprisoned him.¹ The news of the threatened attack and the arrest of the Earl quickly spread round the city and feeling ran high. That night the mob made an attack on the castle, set fire to the Earl's chamber and killed eleven of his men.²

Meanwhile the Scots had advanced and taken Castleknock.³ There they lay, a vast army within eight miles of Dublin. It seemed to the commonalty that this was only the first step in an attack on the city, so they decided to act on the earlier permission of the council⁴ and take defensive measures. Three things were vital

2. The city — the advance of the Scots must be delayed by the fortification of the city strengthened on the west side toward Castleknock and the city itself provisioned to withstand a siege. To meet these needs the citizens decided, first, that Thomas Street should be sacrificed and burnt; secondly, that St. Saviour's should be pulled down for stones to extend the wall and protect the quay, and thirdly, that the bridge across the Liffey should be

¹ *MS. Cantab.*, The Earl was arrested on Monday, Feb. 18, and St. Mary's Abbey was rifled on Wednesday (Pembrige under 1316). *Cal. Close Rolls*, 23.4. 1317, p. 404. Edward II, writing to Mortimer, states that he has heard (ad aures nostras pervenit) that the Earl is arrested. Thus showing that it was an independent act of the commonalty.

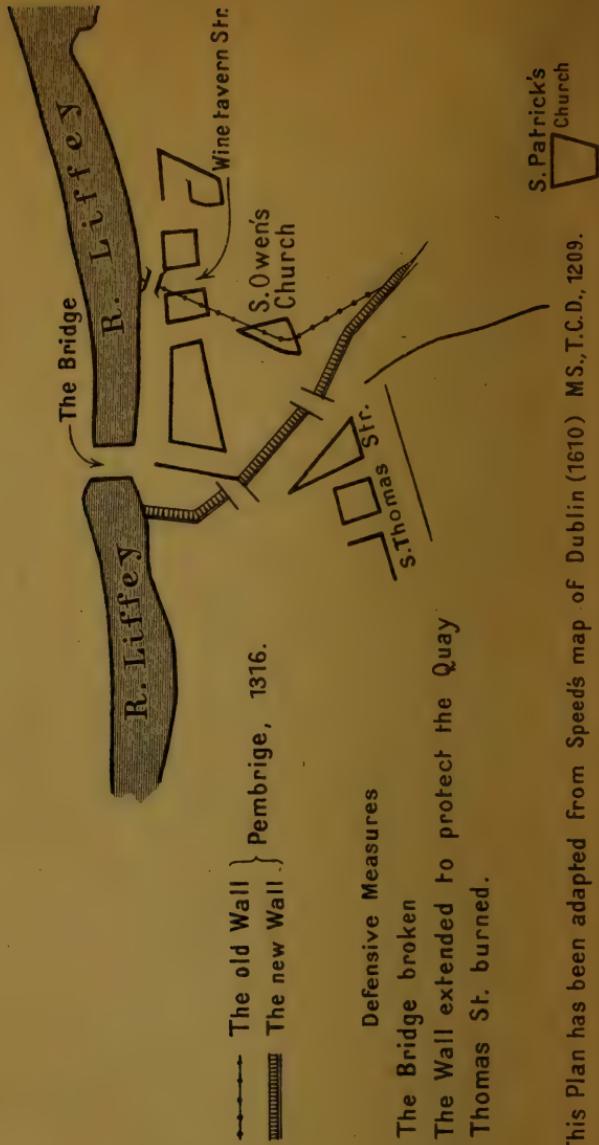
² *MS. Cantab.*, under 1316. Pembrige, under 1316.

³ *MS. Cantab.*, They stayed two nights there; Pembrige, under 1316; Dowling, under 1314. Tyrrell, Lord of Castleknock was taken prisoner.

⁴ *Mem. Roll of Ireland*, 13 Ed. II (Gilbert's *Documents*); *Records of Dublin* (Gilbert), Vol. I, p. 149, in the inquiry afterwards the jurors stated that the council ordained that if the Scots threatened Dublin, the suburbs were to be burnt.



Castleknock
Bruce's Army



broken.¹ That night these works were accomplished. The wooden houses in Thomas Street were set on fire, the bridge was broken, the cattle, corn and victuals were collected from the neighbouring parts and the city wall was extended by what must have been almost superhuman effort.²

The news that the Earl was arrested and the city fully prepared reached Bruce at Castleknock. He changed his plans and withdrew his army — and the city was saved.³ Dublin had stood the test well. With inadequate defences and no garrison, she had withstood a great army and forced it to retire. The cost to the city was very heavy. The destruction of goods alone was estimated at £ 10,000.⁴ The fire kindled so zealously, had got out of hand,⁵ and the mob had broken loose and looted from the churches.⁶ Although the cost fell heavily, it was worth much to have turned Bruce back. It was doubly worth while to have stood out for law and order in the face of greater strength,⁷ and to have founded

The Scots are turned back,
Feb. 24th, 1317.

¹ Pembrige, Dowling. The king, later, ordered the restoration of St. Saviour's. *Cal. Close Rolls*, 20.3 1312, p. 455. The city quay and Isolda's tower were ruinous.

² Pembrige; *Cal. Patent Rolls*, 20.7.1318, p. 192. Pardon was granted by the king to the Dublin commonalty for having levelled and burnt the suburbs and for having taken provisions from men dwelling near Dublin.

³ Pembrige, under 1316.

⁴ *Records of Dublin* (Gilbert), p. 149, No. 127.

⁵ The Church of St. John and the Chapel of the Magdalen were burned.

⁶ From St. Mary's Monastery and St. Patrick's Church.

⁷ Dalrymple, *Annals of Scotland*, Vol. II, p. 69. "The public spirit and intrepidity of the citizens of Dublin at that critical season ought to be held in perpetual remembrance."

that tradition of loyalty which was the pride of their class for years to come.

The work
of Dublin un-
acceptable to
the government.

Its undoubted
value.

The government looked on the affair with doubtful eye. It was within the lifetime of these very men that their fellows had unwillingly shouldered their political burden. The middle class was ready unseemingly soon to play a bigger part than it was asked to fill. It was too new a power to be acceptable even to an impoverished crown. The effect of its enfranchisement in the intention of the government was the grant of the sixteenth. It saw the nation's interpretation of it in the part played by Dublin and Drogheda, by Carlisle and Berwick against a common foe. The great lords had tried, and failed, to stop the invasion. Then, of dire necessity, the citizens of Dublin had stepped into the breach and had won a signal success. One right course lay open to the government — to take their victory to itself, to send a strong disinterested ruler and to follow up the Scots. Instead, the old system was continued. The arrangement was allowed to stand which merely transferred the reins of government from the hands of Edmund Butler to those of Roger Mortimer¹ — Mortimer, who was more tainted with private interests than any other man and who had run away from the defence even of his own estates.²

Mortimer sent
as Lieutenant.

When he landed at Youghal on April 7, 1317,² Bruce had already passed with destruction from the Salmon Leap,³ through Naas,³ Tristledermot,³ Ballygowran³ and Callan,³ right to Limerick⁴ and was return-

¹ *Cal. Patent Rolls*, 23.11. 1316.

² Pembrige, Youghal; *MS. Cantab.*, Waterford; Marlburgh, Waterford.

³ Pembrige, under 1316; Orpen, IV, p. 191, Bruce made no attempt to take Kilkenny.

⁴ *Ibid.*; Clyn, 1317; Dowling (under 1314), says that the citizens of Limerick drove him back; *MS. T. C. D.*, E. 3. 20, p. 103.

ing in comfort through the midlands without any real engagement by an English force. As before, with Bruce's success, the Irish of the district rose out against the southern lords.¹ De Clare and Butler struggled against them, but with no concerted action. Butler had indeed managed to gather round him at Kilkenny the lords and 30,000 well-armed men.² But there they stayed in the throes of indecision, parleying and quarrelling and doing nothing. When Mortimer did arrive things were no better. He had sent a message on before to Butler to do nothing till he came. Either from jealousy or because he had no choice, Butler took this to mean that Mortimer would make his own arrangements, so he disbanded his men and allowed the Ulster army to march away to Naas.³

In the meantime, of course, Bruce had disappeared. Through Kells in Ossory,⁴ he passed by easy stages to Cashel,⁴ Nenagh⁴ and Kildare.⁴ At Trim⁵ he rested his men before retiring in good order on his base at Carrickfergus.⁶ This inauspicious opening of his career did not trouble Mortimer at all. He never realised that the first concern of the whole country was the defeat of Bruce. As he saw in the victory of Dublin only the

His object, the
release of the
Earl.

The period from the feast of S. Matthias (Feb. 24) till after Easter (April 3) was occupied by the retreat from Dublin and the camp outside Limerick.

¹ Butler defeated an Irish army at Tristledermot and O'More at Balilethan (Pembridge, Marl., under 1316). He was defeated by O'Carroll who cut off his army (*4 M.*, 1318; *Clyn*, 1317).

² Pembridge, under 1316.

³ *Ibid.*, The Ulster army seems to have left Bruce after the engagement at Ratoath.

⁴ *Ibid.*, see map.

⁵ *Ibid.*; *MS. Cantab.*, 1317.

⁶ *Ibid.*; Barbour, XVI, l. 293 *et seq.*

insult to his order by the arrest of the Earl, so he saw in Bruce's retirement his chance to set him free. Nor was he alone in this. The arrest of the Earl filled the whole horizon of the king and council to the exclusion of all larger issues. It was so unheard of that the Irish council was at a loss to know what to do. The attitude of the Earl's army was very threatening. A contingent numbering 2,000 men marched into Dublin and demanded help. To quiet them they were granted the king's banner to fight against the Scots,¹ and thus was let loose the worst element of anarchy which had yet tortured the country. The attitude of the citizens was no less menacing. Between the two, the council could only send word of what had happened to the king² and await his orders. In April, 1317, the English council prepared letters to Mortimer, instructing him to find out "whether it would be to the king's honour and profit and for the peace of Ireland" to detain the Earl in Dublin Castle or to send him to England as he had asked.³ When the letters were brought to the king for his assent, he struck out the first part and simply left the order that the Earl should be sent across. At the same time the city was not to be aggrieved. The reason for the reservation of the case was stated to be the avoidance of discord. With such power in his hands and with Bruce out of the way, Mortimer summoned a council at Kilmainham, early in May.⁴ It approved of

¹ They abused the banner given to them (Pembrige), "a quibus plus mali effectum est quam ab universis Scotis." Like the Scots they ravaged, killed and burnt (Clyn). They pretended to expel the Scots, but did more harm to the king's subjects than they (Campion).

² Pembrige, under 1316.

³ *Cal. Close Rolls*, 23—27, April, 1317, pp. 404 and 405.

⁴ *MS. Cantab.*, 1317. Pembrige, under 1316.

the Earl's release, and met again a few days later to liberate him on bail, to return on June 24 for trial between him and the Dublin citizens.¹ This decision was hardly taken before messengers arrived from the king with pardons for Mortimer to use as he saw fit.² When these things happened, relations between the government and commonalty reached breaking point. It was no longer safe for one of the government party to be seen in the city. On June 27, an order was sent to Mortimer, admitting that the government went in such fear of the commonalty that, in future, meetings would be held outside the boundary.³ They were determined to release the Earl, but by drawing the teeth of the Dublin citizens, they hoped to do so in safety. On June 24 the council met again, but the Earl did not appear. In spite of this, they pardoned him and allowed him to go free.⁴ So the affair ended. So it had to end, for the day had not yet come when the common good might openly override feudal privilege. No great harm was done by the result. On the one hand, the prestige of the Earl and of his order was once more bolstered up, but on the other, the citizens had done what they wanted. They had put the Earl

Strained relations
between Dublin
and the govern-
ment party.

The Earl released.

¹ Pembrige, under 1316.

² *Ibid.*; *Cal. Patent Rolls*, 25.5.1317.

³ Gilbert's *Documents*, 89, No. 6. The King orders "quod parliamentum illud et consilium in aliquo certo loco extra civitatem predictam teneri faciatis. Et exnunc, durantibus contentionibus et dissensionibus predictis, parliamenta aliqua, seu convocationes in civitate illa nullatenus faciatis nec magnates aliquos seu eorum homines infra eandem civitatem contra voluntatem communitatis ejusdem hospitari permittatis . . . nec in eadem civitate victualia aliqua contra voluntatem civium ejusdem civitatis capiatis nec capi faciatis."

⁴ Pembrige, under 1316.

out of action at a moment when he might have done grave harm and they had won the respect of the government both for their strength and for their judgment. Before the year was out, the mayors of Dublin and Drogheda were conferring with the king about the welfare of the land,¹ while Richard de Burgh was relieved of the custody of the king's castles² and of the conduct of the forces of the Crown.³

During the remaining months of his lieutenancy, Mortimer accomplished nothing more important than the recovery of his own lands of Meath from Walter and Hugh de Lacy,⁴ the men who received them from the hands of Bruce after Mortimer's defeat and their desertion at the battle of Kells.

Bruce again
in Ulster.

These months, following the retirement of Bruce in May, 1317, were comparatively quiet. But it was the quietness of preparation, for both sides were getting ready for the next move. Edward Bruce was ruling Ulster in reality. He held his court at Carrickfergus and from it administered justice for the province⁵ and directed the operations of his fleet. Robert had returned to Scotland where he was preparing the borderland for a final thrust at Berwick.⁶ The English party was working to gain a new and coveted strength, the blessing of the church. In August, 1316, a new Pope,

Preparations
on both sides.

¹ *Cal. Patent Rolls*, 15. 12. 1317; *English Historical Review*, Vol. 33, p. 81. In 1318 "Alisandre, Ercevesqe de Dyvelyn" is also in England at an important council meeting.

² *Cal. Patent Rolls*, 17. 3. 1319, p. 318.

³ *Cal. Close Rolls*, 9. 2. 1319, p. 55.

⁴ *MS. Cantab.*, 1317. Pembrige, under 1316.

⁵ *Ibid.*, Bruce took cognisance of all pleas in Ulster and hanged many.

⁶ Barbour, XVI, l. 680 *et seq.*

John XXII, had arisen.¹ He was full of energy and zeal for papal domination. Edward II saw in him a valuable reinforcement for his cause. Accordingly, in the early months of 1317, he sent a mission led by the redoubtable Hothum, then Bishop of Ely, to see if this could be arranged.² The Pope's demands were high — renewal of the cess from England, an oath of fealty and homage and participation in a new crusade.³ Edward needed his help so badly that it is to be feared that he did not scruple to promise all three.⁴ Having won his point, the Pope performed his part. He promulgated a truce between Bruce and Edward II,⁵ he sent two cardinals to England to carry it out and gave them power of excommunication to use if necessary,⁶ he made a loan from the ecclesiastical tenth⁶ to the king, and he addressed himself to Bruce, to the laity and to the clergy in Edward's favour.⁷ In the summer of 1317 the cardinals arrived with great pomp in England. Here they met with an unexpected check, for Bruce received them coldly and replied that the letters that they bore could not be meant for him as they were not addressed to the king of Scotland. So, in high dudgeon, the cardinals retired from the border and

¹ *Cal. Papal Registers, Letters II*, p. 126. The announcement of his election was made to the king and to the archbishops of "Cashel, Armagh, York, Dublin, Tuam and Canterbury."

² *Ibid.*, p. 138, 5 Kalends April.

³ *Ibid.*, pp. 127—129.

⁴ *Ibid.*, p. 138, 5 Kalends April; p. 140, Ides of April. The cardinals were given power to receive the oath, p. 127, Kal. May.

⁵ *Ibid.*, p. 127, Kal. May.

⁶ *Ibid.*, p. 139, 4 Kal. April.

⁷ *Ibid.*, pp. 129, 132, 139, respectively. The disaffection amongst the clergy had become a source of anxiety to the government. *Cal. Close Rolls*, 1.9.1316.

reported the affair to Rome.¹ Edward II made the most of his advantage. He sent another envoy to the Pope² and showered honours on the papal court.³ When John XXII heard what had happened he was very angry. Such conduct was worthy of the heaviest censure of the church. In December, 1317, excommunication was pronounced against all invading England or disturbing its peace.⁴

O'NEILL'S LETTER
to John XXII.

In Ireland, the news fell like a bombshell on the court of Edward Bruce. Donnell O'Neill was his chief supporter among the Irish. Robert Bruce might afford

to defy the Pope but Donnell could not feel that it was safe. If the judgment of heaven were to fall upon the Bruces, what was to become of him? Three times already he had been deposed as a usurper. It was unlikely that he would be dealt with more gently now. The only thing left to him was to try to persuade the Pope that Ireland's case was different. Accordingly, through the cardinals in England, he addressed his Remonstrance to the Pope. The Irishman's quarrel, he said, was with the Anglo-Irish who were "widely different . . . from the English of England" and whose gross wickedness had compelled the Irish to fight against Edward II. Nor were they wrong to do so for he was

¹ *Fædera* (Rymer), p. 340, Sept. 7th, 1317, "nichil tamen voluit respondere, nec nostras clausas litteras, propter defectum tituli regii aperire, eo quod asserebat sibi non esse directas."

² *Ibid.*, p. 348, Nov. 8, 1317; *Cal. Patent Rolls*, 30.10.1317. Anthony Pessaigne of Genoa.

³ *Ibid.*, Nov. 11, 15, 20. Power was granted to the English nobles (Pessaigne's mission, see last note) "at their discretions to grant pensions to cardinals and others at the court of Rome in consideration of their services." The Pope's brother and his two nephews were among those honoured.

⁴ *Fædera* (Rymer), p. 353, Dec. 29, 1317.

not their king at all, because they had never sworn fealty to him. The Irish throne belonged by right to O'Neill himself. To speed their cause he was inviting the aid of Edward Bruce in whose favour he renounced the throne. Bruce was a suitable person, of ancient Irish descent and abundantly powerful (praise be to the Most High) to deliver the Irish from the house of bondage. The church would also profit, for Bruce was ready to give her back the dues of which she had been despoiled and still greater immunities than she had ever held before. On all these counts he asked the Pope to take his part against the king of England.¹

¹ MS., *T. C. D.*, *E. 2.28*. "Scotichronicon Joh. Fordeni uti putatur" O'Neill's Remonstrance begins on p. 389. As it appears in (1) the Wolfenbüttel, (2) the Cambridge and (3) the Trinity College, Dublin, manuscripts of the *Scotichronicon*, there is a presumption in favour of its having been one of the materials collected by Fordun himself, for his work (see Skene, *Fordun*, Vol. I, p. 405, note 4, where O'Neill's letter is included among the documents collected in Appendix II. About these documents Skene says [Intro., p. xlvii] App. II contains "the documents collected by Fordun"). The Remonstrance will be found, in Latin, in Hearne's *Fordun*, Vol. III, pp. 908—926 and, in English, in King's *Church History*, Supplement vol. App. 19. The approximate date of the Remonstrance can be fixed. The following indications show when it was written:

(1) When the Remonstrance was incorporated in the continuation of Fordun's work, the date was given as 1318 (see *MS.*, *T. C. D.*, *E. 3.8*, f. 57 v.).

(2) The Remonstrance was sent to John XXII who became Pope on the 7th Aug. 1316.

(3) The Pope in his covering letter to Edward II, 1318, says that it came to him through the cardinals. They were in England from the summer of 1317 to August, 1318.

(4) *MS.*, *T. C. D.*, *E. 2.28*, p. 393, col. 2, l. 30. Lord John de Hothum is mentioned, "now as we hear Bishop of Ely." Hothum became Bishop in October, 1316.

All O'Neill's explanations were in vain. The Pope sent him no reply. The only use he made of the letter

(5) p. 393, col. 2, l. 25. "Almost two years ago" a letter was sent to Edward II through Hothum. This was probably during Hothum's mission which began in Feb. 1316 (see p. 89). Almost two years later would be some time early in 1318.

(6) p. 394, col. 1, l. 9. If the Irish are compelled to fight against the King of England, they are not disloyal because they never swore fealty. This apparently refers to the Pope's Bull which excommunicated all disturbing the peace of England. The Bull was issued in Dec. 1317.

(7) p. 393, col. 1, l. 8. Reference is made to "friar Simon of the Minors" brother of the bishop of Connor, who "in the year last past, while in the court of Edward Bruce", etc. Bruce held court in Ulster after his retirement in April 1317. "The year last past" referring to this would have been written early in the new year of 1318.

From all this evidence we believe that the Remonstrance was written early in 1318, possibly in April, as the year began on 25th March. The date is of great importance for the following reasons: in the text, after summarising the grievances of the Irish, O'Neill says "if they are compelled to fight", etc., and later, that they have decided on war and "are calling" (vocamus) to their aid Edward Bruce. Thus the impression is given that this was the first move of the Irish. Knowing the part which he and the Irish had already played, this misrepresentation does not augur well for the veracity of his other statements. We also remember that he was at this time in close touch with Bruce and that it is highly probable that Bruce had a hand in drawing up the document. The shock which the Bull gave to both parties directly inspired the attempt to justify the Irish and Edward Bruce in the eyes of Rome. For all these reasons we do not feel that Donnell O'Neill was in a position to give an unbiased account of the state of Ireland under his enemies. Nor are we surprised to find that many of his charges are distorted or untrue.

The false impression left by the Remonstrance has led to historical inaccuracy, for it has been quoted by such learned authorities as Bagwell, Richey, Gilbert, Joyce and Dalrymple as antecedent to the invasion and as a direct cause of it. Great

was to forward it to Edward II.¹ He had made his choice. In the months that followed he saw no reason to change. In March, 1318, Berwick was taken by Robert Bruce in defiance of the truce.² In May, at Dysert O'Dea, the Irish slew de Clare and drove his people from the land.³ In June, the vagueness of a general sentence was changed to the definite excommunication of Bruce and his accomplices.⁴ The cardinals finished up their business and returned to Rome.⁵ With such ecclesiastical backing the war became almost a holy one. It is not surprising to find the Primate of York made Keeper on the border⁶ and the Archbishop of Dublin succeeding to the Irish office of Justiciar.⁷ This latter appointment brought a double advantage, for it healed the breach between the crown and the community of Dublin. When Archbishop Bickenor took up his office, the clergy and laity of Dublin went out in procession to receive him.⁸

caution is necessary in making use of it either as a picture of the state of Ireland under English rule or as the spontaneous outcry of an oppressed people turning in desperation for help to Scotland.

¹ Theiner, *Vetera Monumenta*, p. 201, No. 422, the Pope's covering letter is quoted.

² Barbour, Bk. XVII; *Cal. Patent Rolls*, 15. 4. 1318, p. 132. The community of Berwick had undertaken to keep the town safe but the king learns that "owing to their default the Scots have entered the town and occupy it, whereat he is greatly moved."

³ Pembrige, 1318; *Wars of Turlogh O'Brien* (R. I. A.), Section 23 to end; Clyn, 1318.

⁴ *Fœdera* (Rymer), p. 364, June 6th, 1318.

⁵ They returned in August, 1318.

⁶ *Cal. Patent Rolls*, 12. 6. 1318, p. 159.

⁷ *Ibid.*, 11. 8. 1318, p. 196; *MS. Cantab.*, 1318; Pembrige, Clyn, 1318.

⁸ Pembrige, 1318.

Renewed
hostilities.

In Ireland, the lull in hostilities passed with the close of the summer of 1318. The news of Robert's victories stirred again the fever in the brain of Edward Bruce. The lust of conquest fell upon him and a restlessness that would not be restrained. He held all Ulster in his hand and his pirates swept the western seas. The time had come to push on the attack. His warriors said the risk was great and victory certain if he waited for the promised succours from the border.¹ The Irish too urged caution and warned him that none of them would stand to fight.² But Edward would have none of their counsel. He wanted to prove himself, to force an issue, and he meant to do it. The reckoning came upon him on all sides with dreadful suddenness. First, on the sea his fleet was overthrown. The English were tired of the piracies of Thomas Don. Extra ships were equipped and sent to his undoing.³ In 1318, John of Athy,⁴ the English Admiral, cut off his fleet and killed him.⁵ On land, Bruce's army advanced only as far as Faughart,⁶ north of Dundalk. It was his first rallying place, and the line of his last defence — the silent witness

The Scots defeated
and overthrown at
Faughart,
Oct. 14th, 1318.

¹ Barbour, Bk. XVIII, 1. 3 *et seq.*

² *Ibid.*, 64 *et seq.*; *The Fochart of S. Bridget* states that the Irish took part in the battle, see Orpen, IV, pp. 201—205.

³ *Cal. Patent Rolls*, 28. 6. 1318, p. 164, Sutton, Plymouth, Dartmouth, Teignmouth and Exeter provided ships.

⁴ *Ibid.*, p. 165. He was appointed "as admiral and captain of the ships and men destined for service in the west against the Scots and other rebels."

⁵ Clyn, 1318; Pembrige, 1317.

⁶ *MS. Cantab.*, 1318. On Sept. 29th, Bruce, the de Lacy's, the Scots and Irish advanced. Bermingham, Tuite and Verdon opposed them at Faughart, north of Dundalk, on the vigil of Calixtus, Pope; *Fochart of S. Bridget*, at Faughart near the place where Bruce was crowned; Pembrige, 1318, two leagues from Dundalk.

of his rise, his triumph, and his fall. Here on October 14,¹ he was met by John Bermingham.² With him were Miles Verdon, the Primate of Armagh,³ Richard Tuite⁴ and others. With Bruce were Mowbray, Soulis, Alan Stewart,⁵ the deserters Walter and Hugh de Lacy⁶ and the Irish contingent on whom he could not count. At dawn on Sunday morning, the feast of S. Calixtus,⁷ the armies met. From the first there was no doubt how the field would go. The English archers were better men and this time they were well led.⁸ Bermingham threw himself on the main arm of the Scottish force. In the assault Edward Bruce was slain.⁹ From that moment, victory lay with the English. Later in the day, Mowbray fell sorely wounded,¹⁰ the de Lacy's fled

¹ The date is clearly fixed. *MS. Cantab.*, on the vigil of Calixtus Pope (Oct. 13—14). *MS.*, *T. C. D.*, *E. 3. 20*, p. 103, in a note across the margin, "on the Sabbath before St. Luke's day." St. Luke's day is Oct. 18th and the Sunday before in that year was Oct. 14th.

² He was the son of Peter de Bermingham of Tethmoy. *Orpen*, IV, p. 198.

³ *Fochart of S. Bridget*, Regnold de Sorse (Jorse); also Pembridge, 1318; *Cal. Patent Rolls*, 16. 9. 1312. Roland became Archbishop of Armagh.

⁴ *MS. Cantab.*, 1318; Pembridge, 1318.

⁵ Barbour, XVIII, l. 10 *et seq.*; Pembridge, 1318.

⁶ *Ibid.*; *MS. Cantab.*, 1318.

⁷ Clyn, 1318; *MS. Cantab.*, 1318.

⁸ *Cal. Patent Rolls*, 12. 5. 1319, p. 334. Bermingham is definitely stated to have been captain of the English army (see also *Cal. Charter Rolls*); *Fochart of S. Bridget*, gives the Primate of Armagh as leader; *MS.*, *T. C. D.*, *E. 3. 20*, p. 103 (1318), also gives the Primate as leader.

⁹ Barbour, XVIII, l. 95 *et seq.*; *MS. Cantab.* A youth by name John Mawpas was commonly reported to be the slayer of Edward Bruce.

¹⁰ Barbour, XVIII, l. 125.

away to save themselves and the rest of the army escaped to Carrickfergus and thence across the sea.¹ When the day was done, many hundreds of Scots lay dead upon the field.² Their ill-starred enterprise, so lightly undertaken and so valiantly, was utterly broken and ended. The victors were well rewarded by the crown; Bermingham was created Earl of Louth,³ John of Athy⁴ and Miles Verdon⁵ were given grants of land.

Summary. Bruce gained nothing by his invasion of Ireland. His attack was as unsuccessful as it was misjudged. If he had had to deal only with the government he might have been successful, but when the middle class showed itself opposed to him, his cause was lost. The Irish, who were so ready to welcome him in his success, fell away from him at need. Their annalists rejoice at the death of "the destroyer of all Ireland in general."⁶ "No achievement had been performed in Ireland for a

¹ Barbour, XVIII, l. 187; *MS.*, *T. C. D.*, *E. 3. 20*, p. 103 (Polydore Virgil's account) "in naves quas ad omnem eventum paratas habebant."

² There is considerable obscurity about the numbers engaged at Faughart and the numbers slain. The evidence is as follows:

Penbrige, 1318, 2,000 Scots were slain. *MS.*, *T. C. D.*, *E. 3. 20*, p. 102, 1318. 29 baronets of Scotland, 5 knights and 800 other Scots were slain. *MS.*, *T. C. D.*, *E. 3. 20*, p. 104, 1318. The English army consisted of 1,324 men. Marlburgh, the English army, 1,324 men, the Scotch, 8,274, *Annals of the Friars of Adare* (*MS.*, *T. C. D.*, *E. 3. 18*, f. 59 v.); the English army, 1,324 men, the Scotch, 8,224. Walsingham (quoted by Butler, Grace's *Annals*) 5,829 were killed.

³ *Cal. Charter Rolls*, 12. 5. 1319, p. 408; *Cal. Patent Rolls*, 12. 5. 1319, p. 334.

⁴ *Ibid.*, 20. 4. 1318; 4. 2. 1319; 28. 2. 1319.

⁵ *Ibid.*, 18. 11. 1318, p. 236.

⁶ 4 *M.*, *Cé, Uls.*, *Clon.*, 1318.

long time before, from which greater benefit had accrued to the country than from this,"¹ for "there raigned scarcity of victuals, breach of promises, ill performance of covenants and the loss of men and women throughout the whole realme for the space of three years and a half that he bore sway."² He established nothing. His whole campaign was destructive. The material results to the country were disastrous. The marches of the different armies left ruin in their wake. There is nothing to choose between them; Scot or native, noble, Ulsterman or King, their records are the same. The Scots "harryed and spoyled all Ulster in generall."³ The Irish "made little respect of the reverence due to the churches . . . (they) destroyed and killed without remorse children and little ones . . . There was not soe much hurt done in them parts before in any man's memory without profit to the doers thereof."⁴ The Earl of Ulster passed "not spareing church or chaple . . . and consumed to mere ashes the very churches that lay in their way unto the bare stones."⁵ By the Ulstermen "more evil was done than by all the Scots,"⁶ while Robert Bruce marched through the country "burning, killing, ravaging and spoiling."⁷

The English army was crippled by the discord of its generals. They never seemed able to decide on a definite attack, but were content to follow Bruce round the country, outwitted by him time after time. Always Bruce knew of the movements of the armies almost before they had got their orders, and withdrew himself. The conduct of the forces of the crown was one long

¹ *4 M.*, 1318.

² *Clon.*, 1318.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Grace*, 1316.

⁷ *Clyn*, 1316.

series of inactivities. All through, the English government failed to understand. It failed to realise that the equality of the great lords made it impossible for one to unite and control the rest. It only saw that, on paper, the English army was half as large again as the Scotch, whereas it was made up of factions fighting for different private aims. The whole attitude of Edward II was wrong. To the end, he never saw the disaster it would be for Bruce to hold even a foot of ground in Ireland. "The ambassadors of Scotland expected of the king of England some dispatch, and he, as is said, thought to have given Bruce Ulster,"¹ — and this at the moment when his forces were marching to victory at Faughart. It is true that Bruce was utterly overthrown, but the credit lies, not with the victors of Faughart who finished the work, but with the middle class of the Irish cities.

After three centuries, an old man, writing the history of his country, came upon the tale. He saw again the phantom army in the pride of its adventure; he saw again its showy triumphs; he felt the silence of its fall. For all its bravery it was an old forgotten tale. Thoughtfully he took his pen:

"Suddane clyming, sudane falling,
An high flood, a low ebb."²

¹ Dowling, under 1314.

² *Ibid.*

P A R T III.

IRELAND AFTER THE INVASION.

CHAPTER I.

The Decline of Law.

The thirteenth century was on the whole a century of progress, the fourteenth unmistakably wore the stamp of retrogression. A system of government had been built up, then it sank into decay. The dividing line runs through a few disastrous years — those while Edward Bruce was in the country. After that, the road goes steadily downhill. It is extraordinary that, after an interruption of only three years and a half, there could have been such a change. If Bruce had been successful the difference could hardly have been greater. Spenser did not overstate the case when he described the invasion as the beginning of all evil.

The most unobservant must agree that this was so. Many distinct lines of progress can be traced right up to the moment of Bruce's landing, but after he is gone it is hard to find a single track still clear and strong.

The material loss to the country was the least part of the destruction which the invasion caused. The prestige of England suffered heavily. The government

*The effect of
the Invasion.*

The blow to prestige.

had succeeded in establishing its weight and importance in the country. This was the fruit of years of hard work and consistency and it was correspondingly valuable. The invasion put the labours of the past century in a wrong light. The defection of the English lords and Irish chiefs discredited the system under which they had been ruled. The necessity of meeting armed force with armed force and the suspension of normal government, gave a false importance to mere strength. Both were heavy blows, staggering for the moment, but not irreparable. The government could have recovered by strengthening the hands of law. But prestige was further lowered by the throne itself. It was unfortunate for Ireland that, at the moment, she was ruled by a bad king and one whose chief crime was his choice of ministers. Much had been done to avert the danger that arose from an unworthy sovereign, but it was too soon to expect that the personal element could be discounted altogether. Edward II not only took a large part in Irish affairs, but he set the tone of government there, as he set it in England. If he were careless of form, Irish ministers were quick to follow; if he were contemptuous of the people's claims, they were treated lightly; if he held the law in low esteem, license was bred in his officials. The government of Ireland has a heavy load of blame to bear, but the king, as head, must take a part of it.

Parliament. Before the invasion, Ireland had gone a good way on the road to liberty. She had a parliament to speak the will of all, she had courts to execute justice, and her government had such control as gave them the ability. And yet, one by one, these things were allowed to pass, until their power was a name. As early as 1310, a heavy blow had been dealt at the very existence of

parliament.¹ It was found to be a "cumbrous proceeding", and so the assembly that met then was asked to agree to a committee of sixteen to take its place. That was all that Edward II cared for a great principle. When the knights and burgesses were again summoned up to Dublin, it was owing solely to the pressure which they brought to bear upon the crown.² When they returned, their power was small; even their former work was passing away. The whole ground of reform had been covered, either by their enactments in the Irish parliament, or by the general statutes of the realm. The work had been well and ably done, but its whole value depended on the support given it by the government. That support it did not receive. One enactment after another was over-ridden. The Statute of Mortmain was intended as a check upon the church, yet the exemptions³ from it became more and more frequent as the church became more arrogant. The Statute of Provisors met the same fate.⁴ Arrest had been found as the remedy for arrears in public money,⁵ but if it had been in force almost every collector in Ireland would have been in gaol.⁶ The Statute of Absentees should have brought a special benefit to Ireland by compelling residence, yet it seemed to be made only to be broken.⁷ The Irish parliament had closed the ranks of the liege people, by making it a heavy crime to treat

¹ *Early Statutes*, 3 Ed. II, Vol. I, p. 259.

² *Cal. Close Rolls*, 8. 8. 1316, p. 358.

³ *Cal. Patent Rolls*, 10. 3. 1315; 19. 5. 1316; 15. 8. 1318; 2. 10. 1327.

⁴ *Early Statutes*. 7 and 8 Ed. IV, Vol. II, pp. 472, 473; *Cal. Patent Rolls*, 15. 2. 1397, p. 77, etc.

⁵ *Early Statutes*, 13 Ed. I, Vol. I, p. 133.

⁶ *Cal. Patent Rolls*, 3. 5. 1315; 12. 5. 1316, etc.

⁷ *Ibid.*, 4. 7. 1396, p. 8; 16. 10. 1397, p. 220, etc.

with one outside the peace.¹ Yet this was allowed by special grant,² and became the practice of the towns.³ The Irish parliament had kept the burden of the armies in the marches within limits,⁴ but such statutory check was useless where the increase of private armies, in other parts, was winked at by the government. Worse perhaps than all, was the passing of distress from under the hand of law. Distress was the seizure of goods to force compliance with the edict of the state. To the wrong-doer, it was the reality and compulsion of the law. The expedient was common to both English and Irish systems, and furnishes a ground of comparison for those who seek to test their relative efficiency. In the decay of the tribal group it degenerated into seizure by the strong hand; with the Normans it was developed and controlled. It was under the hand of the sheriff,⁵ exercised through the officers of the county⁶ and reviewed by the courts.⁷ It took the mind of an Edward I to see that in its vigour and impartiality stood one of the pillars of good government. His regulations⁸ need only to be put beside those of Edward IV to see the height from which the latter had fallen. When the people might "distain and levy by their own hands"⁹ one of the foundations of his work was cut away, and room was made for open violence. The fault of the govern-

¹ See p. 50; *Cal. Justiciary Rolls*, 1295, p. 4.

² *Council Roll*, 16 R. II, 105, 107, 154.

³ *Ibid.*, 114, 162.

⁴ See pp. 50 and 51.

⁵ *Cal. Justiciary Rolls*, 1305, p. 105.

⁶ *Ibid.*, 1305, p. 107.

⁷ *Ibid.*, 1305, p. 58.

⁸ *Early Statutes*, 13 Ed. I, Vol. I, p. 111.

⁹ *Ibid.*, 5 Ed. IV, Vol. II, p. 291.

ment lay not in bad enactment, but in bad discharge. In 1401, Balscott pointed this out to the crown; the lawlessness of the country arose from "default of the execution of justice."¹ In 1596, Spenser re-affirmed the judgment. He saw the waste of good law and laid his finger on the heart of the trouble. "What doe statutes availe," he asked, "without penalties, and lawes without charge of execution?"²

All the time that this overruling of statutory ^{The law.} enactment was going on, the majesty of the law was brought into contempt by a series of smaller evasions. The right of pardon was always liable to abuse. After the invasion, there was a conspicuous increase both in the audacity of the appeals for pardon and in the numbers given.³ There was no deterrent to wrongdoing when pardon could so easily be got. It was chiefly a matter of payment, which frequently was not exacted.⁴ The pardon of the Earl of Ulster in 1317 was a matter of expediency, as were those of Desmond and Bermingham in 1331,⁵ while there was nothing in the state of Ireland in 1368 to justify the general pardon which was given to all Irishmen.⁶ The law was not magnified in the eyes of the community of Dublin when, year after year, their trespasses and

¹ Balscott's letter, *Council Roll*, 16 R. 2, App. 3.

² Spenser, *A View of the State of Ireland*, Dublin, 1809, p. 113.

³ Davies, *Collected works* (Grosart), Vol. II, p. 1. Letter to Cecil. "But there is nothing hinders the publick peace and security so much as the facility of obtayning the king's pardon . . . they say commonly that if they can steal 100 cows and get a pardon for 20, they gaine by the bargaine."

⁴ *Cal. Close Rolls*, 8. 8. 1316, p. 358.

⁵ Pembrige, 1331.

⁶ *Cal. Patent Rolls* (Ireland), 41 Ed. III.

felonies were forgiven,¹ or in the eyes of the whole country when the pardons and charters granted by the Justiciar had to be revoked wholesale.² Experience has shown that there are few things more demoralising for a country than interference with the normal course of justice. Only in the most extreme case should leniency be shown when guilt has been proved, so delicate is the poise of respect and confidence behind the law.

When there was this carelessness about the vitality of government, it is not surprising to find that the ordinary routine was treated with scant attention. The form of law was thrown aside. Entries were made to churches, although the king's license and assent had not been sought³ and although words prejudicial to his dignity were not renounced.⁴ Lands were taken without the license of the king.⁵ Heirs had possession,⁶ heiresses were married,⁷ and custodies were given⁸ without the form of the king's control. These were not unimportant details. The man might be the choice of the chapter, or the rightful heir to the property, and the king's assent might follow as a matter of course, but at the same time it was the acknowledgement of the authority of the state. These forms were not an arbitrary imposition, but the regulation of a uniform system. It was only through such common marks that order could be maintained. Was it any wonder when these things

¹ *Rec. Dub.*, 1332, 1339, 1341, 1342.

² *Cal. Patent Rolls (Ireland)*, 32 Ed. III.

³ *Ibid.*, 11. 8. 1308; 15. 7. 1308; 7. 12. 1310.

⁴ *Ibid.*, 1. 12. 1311; 22. 9. 1314.

⁵ *Pipe Rolls*, 6 Ed. II; 8 Ed. III; *Early Statutes*, 5 Ed. III, Voi. I, p. 387.

⁶ *Pipe Rolls*, 6 Ed. II.

⁷ *Ibid.*, 8 Ed. III.

⁸ *Ibid.*

were cast aside so lightly that the justices were unlearned in the law.¹ The form was the sign of control. *Loosening control.* When a man could take what he wanted, and dispense with the regulation, he could have no great respect for the force that lay behind it.

The passing of the form of law was but the sign of slackening grip. There was a movement everywhere against control. The Justiciar was the first officer of the crown. A strong government had not been afraid *I. The Justiciar.* to give him wide powers. Weakness tempted him to their abuse. Butler used the Irish seal "to the king's prejudice and the scandal of his court,"² Bicknor granted the king's army without the consent of the council,³ Lucy overruled the pardon of the king.⁴ The crown retaliated with an ever-changing series of deputies. Every year, almost without exception,⁵ saw a change of governor. But there was no added strength, for there could be no such thing in a policy that varied from timidity through harshness to conciliation.⁶ When *II. Officials.* the head of the government was out of hand, it is not surprising to find that officials over the country were in no better way. Administrative office was a burden.⁷

¹ *Council Roll*, 16 R. 2, App. 3.

² *Cal. Patent Rolls*, 8.8.1318, p. 197.

³ *Cal. Close Rolls*, 9.2.1319, p. 55. The granting of the king's army was one of the powers of the Justiciar. *Early Statutes*, 25 Ed. I.

⁴ *Pembroke*, 1331.

⁵ There was no change in 1327, 1335, 1336 and 1339. In some years there were two changes.

⁶ Charlton (1337) and the Bishop of Hereford (1338) were ciphers; Lucy (1331) and Ufford (1343) went to the extreme of severity; Darcy (1323, 1329, 1332, 1340) stood for conciliation.

⁷ Exemption for life from being made to bear office was frequent, *Cal. Patent Rolls*, 23.5.1397, p. 147. Repeated refusal of

It is not to be wondered at, when sometimes officials were not paid at all,¹ often they received their fees of the king's special gift and grace² and almost always they were in arrears.³ Sometimes a great many offices were grouped together, not to secure good discharge of government, but to make the payment up to a reasonable sum.⁴ When office was accepted willingly, it was in the hope of making something out of it.⁵ If the pay were inadequate, the official made it up by bribes, or wholesale peculation.⁶ Ireland was not suffering alone from this abuse. In England, the same trickery and corruption were appearing among officials everywhere. Under a strong government these evil practices were kept in check, but when the central force was weak, each ministry became at once a seat of independence and oppression. That it became so in the fourteenth century is undoubted. The grasping deceit of the official called out the scorn of righteous men:

"And so readily forsooth they do the king's behest
When every man hath had his part, the king can
have the rest.

Each man first is able to fill up his own purse,
And the king hath the least part and he hath all
the curse, with wrong,
God send his truth into this land for treach'ry lasts
too long."⁷

sheriffs to take office, Gilbert's *Documents*, App. 9; *Cal. Patent Rolls*, 26. 6. 1318, p. 185; 28. 11. 1318, p. 240.

¹ *Council Roll*, 16 R. II, 13, 145.

² *Ibid.*, 145; *Pipe Rolls*, 11 Ed. III.

³ *Council Roll*, 16 R. II, 84.

⁴ *Cal. Patent Rolls*, 25. 10. 1399, p. 40; 4. 11. 1399, p. 48.

⁵ *Council Roll*, 16 R. II, App. 3.

⁶ *Cal. Patent Rolls (Ireland)*, 24 Ed. III.

⁷ *Political Songs*, "On the Evil Times of Ed. II," p. 338.

Peculation was one of the abuses under which the country groaned most heavily and about which the central parliament had most concern.¹

If the government failed with its own officers, it was unlikely that it would succeed in the more delicate control of the church, the towns and the great liberties. There was nothing in the freedom they had won which should have hurt the realm. In the thirteenth century, the church had not dared to overstep its province, but given weakness it strained against control, and threw it off if the occasion came. The struggle of the day was between the authority of Rome and that of the king over the clergy in each country. When it was possible, Irish clerics were among the first to take their appeals to the court of Rome, and to obtain provisions from her to Irish benefices.² The towns were equally aggressive. They had gained much because the crown had been strong enough to give it; but they had won nothing that made them independent. From weakness they won concessions which broke down control at every point. They curtailed the farm paid to the government in return for local management, either by allowing it to fall into arrears,³ or by claiming exemption on any pretext which offered.⁴ But more especially, they tried to limit the royal authority and extend their control

III. Church
and town.

¹ *Cal. Patent Rolls*, 29. 12. 1318, p. 298.

² *Ibid.*, 1405, 1406.

³ *Council Roll*, 16 R. II, App. IX. Cork, Limerick and Galway do not pay their fee farms, customs or cokets, nor do they obey the king's orders for these.

⁴ *Pipe Rolls*, Arrears in the farms of Dublin, Limerick, Cork, etc.; *Cal. Documents*, IV, 710. The farm of Waterford was reduced; *Cal. Patent Rolls*, 10. 12 1400, p. 400. Arrears pardoned.

over justice. In the fourteenth century they won exemption from the jurisdiction of the area in which their city lay, and trial only before their fellow-citizens in the city court.¹ As they learnt their power, so their dissatisfaction and contempt for the government grew, until affairs reached a crisis in 1341, and for the moment the towns broke their traditional allegiance to the crown and joined a rebel parliament.

IV. The Liberties.

But the independence won by the great liberties was most harmful of all. They had been a necessary instrument of government; without control they became a danger and disgrace. The most ominous sign of loosening control was the extension of liberty, at the expense of county, administration. Edward I had secured the reversion to the crown of three of the great Leinster liberties, Carlow, Kildare and Kilkenny.² The mind of the great administrator grasped the anomaly which existed in dealing with one half of Ireland through sheriffs and the other half through seneschals. It is probable that he had in his mind some plan of making the administration of the whole country uniform, for he saw that the liberties gave promise of future abuse. After the invasion his policy was reversed. The government was feverishly anxious to delegate its powers. New liberties swallowed up old and new county administration. Kildare soon followed the earldom of the name

¹ In Spenser's day (*View*, pp. 46—47) the privileges the towns had gained were as follows:

- (1) Their own government was supreme.
- (2) They should not have garrisons.
- (3) They might buy and sell with whom they would.
- (4) Any fines they paid had to be expended amongst them.

² Orpen, *Ireland under the Normans*, Vol. IV, p. 50.

given to FitzThomas;¹ Louth went with Bermingham's reward.² Tipperary passed with the new creation of the earldom of Ormond,³ Kerry with that of Desmond.⁴ In 1401 the county administration of the whole of Ireland, with the exception of Dublin and a part of Kildare, was swallowed up in grants of liberties. The lands which were "without the bounds of any county" far surpassed the numbers in direct control. In these grants there was a further reversal of the control established by Edward I. This was the giving of the sheriff's office with a grant of lands.⁵ The sheriff was the medium for correction of the liberty, and yet the crown handed over the shrievalty with the lordship of the place. Was it likely that the Earl of Kildare, as sheriff, would produce his own defaults as lord,⁶ or was it likely that the Earl of Ormond would appoint a sheriff who would dare to take a stand against him?

¹ *Cal. Charter Rolls*, 2. 8. 1317, p. 360. "The Shrievalty of Co. Kildare and the liberty of the county."

² *Cal. Patent Rolls*, 12. 5. 1319, p. 334. "The issues of Co. Louth and that entire county and the office of sheriff and the liberty of the county."

³ *Ibid.*, 9. 11. 1328, p. 336. Grant for life to Butler, advanced to Earl of Ormond "of regality and other liberties with knights' fees and all things else which the king has had in county Tipperary, excepting the four pleas of fire, rape, forestalling and treasure trove and except the profits of investitures in the county."

⁴ *Ibid.*, 28. 11. 1336. Ratification of grant in tail male to Desmond of all royal liberties in Co. Kerry, the four royal pleas and the cross excepted.

⁵ See above, notes 1 and 2.

⁶ 5th Report of Deputy Keeper of Public Records, Ireland, pp. 34-36 (quoted by Litton Falkiner, *Illustrations of Irish History*, pp. 112-3) Ormond was to appoint the sheriff "for the custody of the county".

We are ready to forgive much to the men of an earlier age if their intention is honest, but in the case of the liberties little can be said in defence of the government's attitude. It was not to secure good discharge of the country's business that such grants were made, but simply because these men were strong. The government was weak, but that was no reason for it to throw away the guarantees which still were in its hand. When the widest powers were given without a check, when all rent was taken off,¹ all debt remitted² and the "usual services" allowed to lapse,³ how was control to be maintained? The powers that the government gave were so wide as almost to compel independence. With such treatment it was small wonder that the lords of liberties became rebels, "who will not obey the law nor submit to justice." Surely Balscott was right when he described such handling as a "prejudice and destruction to the crown."⁴

Thus the decline of law set in. Its supremacy was overthrown by the over-riding or non-administration of the work of parliament. Contempt was added by easy pardons and carelessness of form. The machinery of the country had been built on the supremacy of the law; when it no longer held pride of place, the only means of control was cut away. Officials got out of hand and the communities within the state — church, town and liberty — stood out for independence. With the passing

¹ *Cal. Patent Rolls*, 6.8.1309, p. 182. The Earl of Ulster was released from all future rent in Connaught; 27.8.1329, p. 436. Desmond was pardoned the rent of Dungarvan, etc.

² *Ibid.*, The Earl of Ulster was pardoned his arrears in Connaught; 21.11.1328, p. 340. Ormond pardoned arrears of fine, etc.

³ See above p. 126.

⁴ *Council Roll*, 16 R. II, App. 3.

of the law the life-blood of the body drained away. The frame of Irish government grew weaker year by year. It became rent with the disease of anarchy and in its sickness turned to defensive measures to prolong its life. Their uselessness sapped its strength still farther. There was only one thing which could cure the evil. If the bleeding of the law could be stopped the body might be saved, for in the law was life.

CHAPTER II.

The Rise of Force.

The fact that the lord was the all-important factor in the feudal state must be grasped, to appreciate the shock which was given to authority by the defection of so many leading Irishmen. Their attitude must have been a most crushing revelation to the crown. The de Lacy's openly helped Bruce. The citizens of Dublin thought that the first defensive measure against Bruce was the arrest of the Earl of Ulster, for his selfishness had been a serious danger to the crown. The English annalist throws a grave doubt upon his fame "si comes de Hulvestre fuerit fidelis non est enim timendum ab eorum insidiis."¹ Mortimer kept his hands clean in Ireland, but met a traitor's death, not many years afterwards, in England. Rumour must have been busy with the name of Edmund Butler too, for the king felt it necessary to publish a notification "to clear the fair

¹ *Chronicles of Ed. I and Ed. II*, Vol. II, p. 211.

fame of Edmund le Botiller, who has been accused of having assisted the Scots in Ireland, that he has borne himself well and faithfully towards the king.”¹ The list of the less important lords who helped the Scots includes the bishop of Ferns,² the abbot of Grey Abbey,³ Roche,⁴ Bisset,⁵ Logan,³ Savage,³ Canon³ and FitzWarren.³ Had Bruce been successful, doubtless there would have been many more. Their conduct shook the *morale* of the state, as they alone could shake it. When Bruce was overthrown many of them sought pardon and were taken again to favour, but the former confidence could not be restored. They had stepped down, deliberately, from the place which they had held, little thinking that they would never again stand where they had been. In the government’s dealing with them there is an uneasy note of distrust, a tentative effort to placate rather than to control, and a strong disinclination to try, at any time, how far its power over them was real. No one knew this better than the lords themselves. It bred in them, as it was bound to do, a contempt for their masters. They were conscious of their treason, but they were aware also of the blow it was to England. They began to see that if they used their power, they might be stronger than the central force, and even independent of it. The realization of their strength came to them with something of a shock. Edward I had steadily drawn them down and bound them into the general machine. When the machine broke, they rebounded into freedom.

¹ *Cal. Patent Rolls*, 21. 1. 1321, p. 535.

² *Cal. Close Rolls*, 6. 8. 1317, p. 561; *Fœdera* (Rymer), p. 339.

³ *Cal. Patent Rolls*, 28. 2. 1319, p. 313. This was the Abbey de Jugo Dei in Co. Down, Reeves, *Ecclesiastical Antiquities*, p. 92.

⁴ *Ibid.*, 11. 8. 1318, p. 203.

⁵ *Ibid.*, 4. 2. 1319, p. 271.

One restraint after another passed away, until there was only a small margin of control left to withstand the swelling tide of anarchy.

The event showed that such was the temper of *Civil War.* these men. In the years that followed the invasion, the best of the government's energy and time was spent in resisting their aggression and buying off their lawlessness. The memory of Bruce had hardly passed, when, in 1327, the whole country was plunged into civil war. De Burgh and Power fought against FitzThomas, Butler and Bermingham.¹ Such a faction fight, embracing the five leading families in the land, was unknown to an earlier day. The magnitude and effrontery of it showed the state to which the country had come. The sequel laid bare not only the weakness of the government but its fear. At the conclusion of the war, FitzThomas was made Earl of Desmond, and Butler Earl of Ormond.² Twenty-six more years of turbulence brought Desmond to the Irish Justiciarship.³ The very fact that these things happened one after the other, could leave only one impression on the country — that lawlessness paid. In 1333 William de Burgh, third Earl of Ulster, was murdered and left a child to take up the inheritance. The result was such a rising out in Connaught and Ulster, that in a few years possession had become the whole of the law. Minor wars went on among the gentry all over the country. The Powers were among

¹ Pembrige, 1327; Clyn, 1327, 1328.

² *Ibid.*, 1329.

³ Ufford had spent his tenure of office trying to quell Desmond. Immediately Ufford died, the preservation of the peace was committed to Desmond, the greatest offender against it (Pembrige, 1346). In 1349, Desmond was pardoned (*Cal. Pat. [Ireland]*, 23 Ed. III) and in 1356 made Justiciar (Pembrige, 1356).

the most warlike. They fought with the de Valles,¹ the Roches² and the Fanyns.³ The Roches fought with the Keatings.⁴ Walter Burke raised forces and preyed the lands of Desmond.⁵ The St. Albans fought among themselves,⁶ the Savages built castles⁷ and the Cantetons committed rapine, sacrilege, ravage, homicide and burning.⁸ Against their lawlessness the government struggled feebly, but it made little permanent advance; and the worst sign of its failure was the infrequency with which the rebel was brought to justice, after he was quelled.

The Irish advance.

But there was a cause, deeper than mere incapacity, behind the official attitude to these men. There was another reason for the powers they won. The government's control over the Irish was a thing of the past. With the invasion they, one and all, threw over their allegiance and joined the enemies of the king. With the weakness of the government, they rose out against the English and drove them back and back, on to the eastern coast. It was in the hope of staying their advance that the government clung to the lords. In the light of the Irish menace, their deficiencies paled beside the merit of their strength. At first the Irish attacks were individual, against anyone who was near their lands. MacCarthy struck about him in the south,⁹ O'Carrol in the midlands,¹⁰ O'Toole fought with Arnold Power,¹¹ O'Nolan with Bermingham,¹² O'More with Mortimer.¹³ Then, with their success, they settled to

¹ Clyn, 1327, 1329; Ross, 1337.

² Clyn, 1324.

³ *Ibid.*, 1334.

⁴ *Ibid.*, 1329.

⁵ Pembrige, 1330.

⁶ Clyn, 1336.

⁷ *Uls.*; Pembrige, 1352.

⁸ Clyn, 1324.

⁹ *4 M.*, 1326.

¹⁰ Clyn, 1325, 1346.

¹¹ *Ibid.*, 1318.

¹² Pembrige, Clyn, Marl., 1322; *Pipe Rolls*, 15 Ed. II.

¹³ Clyn, 1336; Dowling, 1420.

a more definite purpose — the supremacy of their old provincial kings. The MacMurroughs of Leinster saw **Leinster**. their chance in the civil war of 1327. The fortress of New Ross fell to them,¹ Richard II twice came to Ireland on their account,² they defeated and slew the Deputy at Kells in 1397,³ and in the fifteenth century were supreme in the southern lands of Leinster. The same civil strife gave the O'Briens their opportunity in Munster. At first they were driven back and cowed by **Munster**. the garrison of Bunratty.⁴ After two years all that was swept away⁵ and soon only Limerick and Nenagh were left as sentinels of English power.⁶ The year 1333, which saw the murder of the Earl of Ulster, and the death of the peaceful Hugh O'Donnell,⁷ sounded the rise of the northern chiefs. First O'Neill,⁸ and then O'Donnell,⁹ **Ulster**. and then the army of the two together,¹⁰ crushed down upon the English from the north. In those years of disaster the Pale emerged. The English power had sunk so low, that this small piece of land on the eastern coast, was the only place that it could call its own.

All this rebellion and war, this weakness and dis- **Assassination and murder.** order, meant but one thing — force had beaten law.

¹ In 1394 (*4 M.*) New Ross was one of the best fortified towns of its day. According to a contemporary poem (quoted by Magee, *Art MacMurrough*), the citizens had surrounded it with a fosse 20 ft. deep by 3 miles long.

² In 1394 and 1398.

³ Dowling, 1397.

⁴ This was the work of Outlaw, deputy for D'Arcy (*Pipe Rolls*, 4 Ed. III.).

⁵ *Wars of Turlogh O'Brien* (J. J. Westropp), Clyn, Marl., 1332.

⁶ *4 M.*, 1369; Clyn, 1348.

⁷ *4 M.*, 1333. Also see p. 7 above.

⁸ Clyn, 1343; *4 M.*, *Cé, Uls.*, 1374; *4 M.*, *Uls.*, 1383 and 1384.

⁹ Niall Garv O'Donnell, *4 M.*, 1422.

¹⁰ *4 M.*, 1423.

The invasion had tipped the balance; slowly it went down to the strong hand. Assassination and murder were everywhere. Desmond starved FitzNichol¹ and killed Thomas Burke "in ugly treachery".² Edmund Burke, the lord of Mayo, drowned his rival in Lough Mask.³ The Earl of Ulster starved Walter Burke to death,⁴ and was murdered by the Mandevilles for the deed.⁵ The Earl of Louth and nine of his family were massacred by their own men.⁶ O'Brien won Munster, only to be assassinated by the MacLorcans.⁷ Turlogh O'Conor, king of Connaught,⁸ O'More,⁹ Donald and Kavanagh MacMurrough,¹⁰ Conor O'Donnell and Niall, his successor,¹¹ were all killed by the hands of their own people.

Decline of law. The encroachment of force on the province of law was obvious at many points. The very character of the records alters. There had been order and comparative regularity in the submission of local accounts. These became spasmodic or dropped out altogether, with a word of explanation or without it, but with no care for their recovery. In their place appear accounts of many war-like expeditions to repress the malice of some enemy, all calling for the outpouring of much money which they

¹ Clyn, 1338; Pembrige, 1339.

² *4 M., Uls., Cé*, 1342.

³ *4 M.*, 1338.

⁴ *Ibid.*, 1332; *Uls., Clon., Cé*, Clyn, 1332. In the last there is no mention of starvation. See Orpen, *Ireland under the Normans*, IV, p. 239.

⁵ Mandeville's wife was a sister of Walter Burke.

⁶ Clyn, 1329; Pembrige, *4 M., Uls.*, 1328.

⁷ *4 M.*, 1350; *Wars of Turlogh O'Brien*, 1351.

⁸ *4 M.*, Clyn, 1345.

⁹ Clyn, 1349. ¹⁰ *Ibid.*, 1347.

¹¹ *4 M.*, 1342; *4 M., Cé, Uls.*, 1348.

left the government no time or ability to collect.¹ While one of these wars was in progress, no local official could exercise his functions. One man could not act during the whole time that he was sheriff, because of the war between the Earl of Desmond and Arnold Power.² The serjeant of Wicklow was impeded by the war of the Irish.³ When the Earl of Ulster was murdered divers wars broke out so that many offices were never even taken up.⁴ It was found by the inquisition held after his death, that there were many lands in Ulster and Connaught to which no one could get, because the Irish would not allow any minister of the king or any other Englishman to administer them.⁵

The open defiance of the Irish went hand in hand with a growing contempt amongst the English. The numbers of officials who "came not to account" was on the increase. Parliamentary summonses were treated lightly. Kildare omitted to attend a parliament to which he was summoned by writ⁶ and his example was followed by other men. Among them was the sheriff of Waterford⁷ whose fine was remitted "for good service", the shameful outcome of so many punishments. Men said openly that the king's council went in dread of the armies raised by the lords. There was truth in the assertion, for when the rumour reached the rebels they summoned the council to Kilkenny, to give assurance that their only desire was to be avenged on their enemies; and in spite of the

¹ *Pipe Rolls*, 2 Ed. III; 4 Ed. III.

² *Ibid.*, 8 Ed. III.

³ *Ibid.*, 9 Ed. III.

⁴ *Ibid.*, 8 Ed. III.

⁵ *Cal. Inquisitions post Mortem*, Vol. VII, p. 376.

⁶ *Pipe Rolls*, 15 Ed. II.

⁷ *Ibid.*

audacity of the whole proceeding the council went at their behest.¹ At another time they held a parliament to which the Justiciar and council did not dare to go.²

A state of
terror.

When the council was the plaything of the rebels, the people did not know to whom to look. There was a state bordering on terror in the country. Force had indeed beaten law, when the violence of the great lords was feared by felons more than the rigour of justice.³ The people were afraid to sue and officials were afraid to act. By the end of the century there was "no one who dare put, or go to put, the law in execution."⁴ Truly in the fourteenth century the right of everyone was according to his strength.

The victory
of force.

England had, in a great measure, brought upon herself the injury done her by the feudal lords. The weakness of her settlement lay in the fact that it had broken the Irish system without abolishing it.⁵ This was fair to neither party, for it kept the temptation of recourse to force before the eyes of the military tenants, and encouraged the vitiated side of an old system as its chief claim on English consideration. For this bad statesmanship the country paid heavily after the invasion. The chief way in which the position had been worked was through the English lord. He was the great educative link through whom the Irish were drawn closer to civility. His difficulties were great, more particularly in the isolated country districts. His whole pre-eminence depended on the law. When it declined he turned to

¹ Pembrige, 1327.

² *Ibid.*, 1341.

³ Clyn, 1338.

⁴ *Council Roll*, 16 R. II. Balscott's letter to Henry IV.

⁵ See above p. 10, cf. Orpen, *Ireland under the Normans*, III, p. 251.

force, and thus one of the great means of normal contact between the two systems was gone. At once a new danger arose. He could not stand for very long between the two. The result was that he was pulled slowly within the Irish group. We have seen him bring his civilization among the natives. He had insisted on charters and deeds in their common dealings and he had legalized his relations with them more and more through the courts and parliament. We now see him unwilling to use the English courts, taking "a prey" in the name of distress, and ready to join in private wars and to parley in the Irish fashion. In his private life he was beginning to dress like them, to speak their language and to give his children to their fosterage. The temptation of force had proved stronger than the inducement of ineffective law, for the kingdom opened by the strong hand had no boundary visible.

CHAPTER III.

"The poor liege people of the land."

It is bad reading, all this feebleness and wrong. Grave weakness somewhere. We have seen something of its worst side — the slackening of control, the rise of force and the decline of law. We have yet to find the reason why a good system was thus overthrown. We cannot believe that three years and a half, however disastrous, could of itself overturn the accomplishment of a century. The pioneer work had been done with success. The setting

up of the government was a harder task than that of maintaining it. Apart from the semi-independence left to certain Irish districts, the foundations on which it was laid were sound. No outside force, of a few years' application, could have ruined so great a fabric unless there was some change which was spreading decay around it from within. It is inconceivable that there should have been no way in which the state could have recovered from the blow given it by the Bruses.

**Examination
of the financial
argument.**

It has been urged, more than once, that the cause of the government's collapse lay in inadequate revenues.¹ But it was the slackness following on the invasion that caused this poverty. Before that time — in the thirteenth century — the realm had been self-supporting.² It was the opinion of the men of the fourteenth century, that it could be so again.³ In Ireland, before the invasion, the Treasury had been able to allow £ 22,471 for the war in Scotland,⁴ and £ 1,799 for the war against Irish enemies.⁵ It had been able to afford the Justiciar from £ 2,000 to £ 4,000 a year for works of public

¹ Bagwell, *Ireland under the Tudors*, Vol. I, p. 78. "The main cause of the corruption prevalent was no doubt the poverty of the crown."

² Balscott's letter to Henry IV, *Council Roll*, 16 R. II, App. 3. The *Pipe Rolls* for the reign of Ed. I show the same thing.

³ *Political Songs*, "On the Evil Times of Edward II", p. 338. If the king were well advised he might get money rightfully by his justices, sheriffs, escheators, by his chancellor and at law. Pembrige, 1341, the lieges addressed certain questions to Edward III, one of these asked why it was that the king of England was never richer for Ireland, implying that he should have been.

⁴ *Pipe Rolls*, 27 Ed. I.

⁵ *Ibid.*, I Edward II. Besides this amount from the Treasury, there was a subsidy of £ 2,050 from Wexford and Carlow. In 2 Ed. III, only £ 309 was allowed for far heavier work.

good.¹ In those days, these were no mean sums and they showed a healthy revenue. The Treasury was the index of prosperity, for everything that came into it was gain to the government. It only came there after all local expenses had been paid.²

After the invasion, the great accounts which brought in most money were allowed to dwindle away to nothing. For example, escheats had been £ 7,280,³ they fell to £ 30,⁴ then were collected at a loss.⁵ The New Custom had brought in, roughly, £ 1,500;⁶ the Prise of Wines the same.⁷ By the end of the fourteenth century they were of little value to the state.⁸ Debts mounted up and then were cancelled or allowed to lapse. When the Earl of Desmond was forgiven a debt of £ 3,494⁹ and the city of Limerick could owe £ 1,186 and pay £ 6,¹⁰ there was no inducement to speedy settling of accounts. There was also a great temptation to delay, when sometimes sums owing before a certain date were forgiven

¹ *Pipe Rolls*, 5 Ed. I; 8 Ed. I.

² Local issues were accounted for and local expenses allowed from them. Afterwards the system of allowances was degraded into an expedient for collecting debt. Desmond was allowed money from the debt owed by Cork and was granted a patent to compel its payment — a practice which was fruitful of much oppression and wrong.

³ *Pipe Rolls*, 10 Ed. I. Bishoprics £ 2,595, wards and escheats £ 4,685.

⁴ *Ibid.*, 13 Ed. III.

⁵ Balscott's letter to Henry IV, *Council Roll*, 16 R. II, App. 3; *Pipe Rolls*, 9 Ed. I. Ulster, in the king's hand, brought in £ 1,397; *ibid.*, 2 Ed. III. It was again in the king's hand when it yielded £ 10.

⁶ *Pipe Rolls*, 16 Ed. I.

⁷ *Ibid.*, 11 Ed. I.

⁸ Balscott's letter to Henry IV, *Council Roll*, 16 R. II, App. 3.

⁹ *Pipe Rolls*, 8 Ed. III.

¹⁰ *Ibid.*, 11 Ed. III.

wholesale.¹ When people saw these things done all around them, it was hard to refrain from doing likewise.

Borrowing. There was a further cause of unsoundness. The wars of Edward I entailed heavy borrowing. He found ready lenders in the societies of foreign merchants. Edward II seized on the expedient and abused it. He ran up huge debts with the Bardi and the Spini and especially with Anthony Pessaigne of Genoa.² The king was delighted "because in his necessities he found them well disposed to him." The foreigners were everywhere; they almost took the place of the Exchequer. They financed the Household and the Wardrobe, they hired ships from abroad, they managed the supplies and paid the troops in Scotland.³ To repay the king's extravagance, the issues of the realm passed into their hands. The customs from England, Ireland and Scotland,⁴ the tenth from the clergy,⁵ the sixteenth from the towns,⁶ and the aid from Aquitaine⁷ went straight into their

¹ *Cal. Patent Rolls*, 5. 8. 1316.

² £ 2,200 was owing to the Bardi, *Cal. Fine Rolls*, 20. 12. 1312, p. 158.

£ 3,448 to the Spini. *Ibid.*, 4. 5. 1313, p. 173.

£ 7,380 to Pessaigne. *Ibid.*, 10. 9. 1313, p. 178.

In the same year, Pessaigne was commissioned to raise a further £ 20,000 for the king, *Cal. Close Rolls*, 3. 5. 1313, p. 580; *Cal. Patent Rolls*, 16. 12. 1316, an agreement was made with Pessaigne to purvey victuals for the Scotch war and to hire five galleys from Genoa, each manned by two hundred men.

³ *Cal. Patent Rolls*, 15. 6. 1318, p. 160. They supplied stuffs for the Wardrobe, paid the expenses of the household of the king and queen, lent the money for the troops in Edinburgh and paid for victuals going there; *Cal. Patent Rolls*, 22. 7. 1316, they paid for wheat from Bordeaux for Berwick.

⁴ *Ibid.*, 1. 12. 1318.

⁵ *Ibid.*, 4. 1. 1317.

⁶ *Ibid.*, 22. 7. 1316.

⁶ *Ibid.*

pockets. This easy borrowing, more than anything else, was accountable for the carelessness of the king about his lawful revenues. At the end of the reign of **Reform.** Edward II this financial mismanagement reached a crisis and the Statute of the Exchequer was passed.¹ It aimed at securing control of the spending departments. It provided that an additional staff should be employed to clear off arrears and that the Exchequer should be re-established as the sole medium for receiving and for granting money. Much was done by this to check the mad policy of borrowing, but nothing to reconstruct the revenues so that they might not need it.

Such carelessness did undoubtedly cause great poverty, but the sequence must be kept quite clear. The lack of funds arose from slackness, and not slackness from lack of funds. Want of money has been put forward so often as the cause of failure, and has so seldom been truly so, that we accept such an explanation with reserve. In the case of Ireland at this time it cannot be advanced with sincerity. The money was obtainable had the government been interested to bring it in.

The reason, then, must be sought outside the Exchequer. It must be sought in the betrayal of a The true cause
— betrayal of
the lieges. class of the community whose weight would have saved the whole. This class was the liege people of the king. They were chiefly of the middle orders — in the van the dwellers in the towns, behind them the larger tenants and the lesser lords. They provided good firm ground, on which the government might have stood and won

¹ *Red Book of the Exchequer*, Pt. III, Preface; *History of the Custom Revenue in England*, Appendix; wines for the Household at one time reached the high figure of £ 3,176 for six months, *Cal. Patent Rolls*, 15. 3. 1318.

back all that it had lost. They had been the corner stone of Ireland in the thirteenth century and the common ground on which English and Irish became as one. They were Ireland's sure hope of fairness and of unity. Their interest made for progress. When it was followed, the utmost severity of the law only increased their numbers. It made Ireland self-supporting, and gave plenty of money for the war upon the enemy. The system pressed too heavily upon none, save the evildoers, and it was an excellent restraint on them. The essential of any government is that there shall be a body of people who want it and who are able and willing to work it. It must never be forgotten that this condition held in Ireland. The liege people wanted the firm government that they had had. The maintenance of the law, the upkeep of the revenue, the control of officer and subject — these were their interest and their right. After the invasion their numbers began to decrease, but however few, they would have supplied a working nucleus for the difficult times ahead. The government might have taken them, as it had done before, and on them built a commonwealth, outside the distinctions of class or race. From a lower point of view, their loyalty would have bred other loyalty when it was found to pay, for there were still English lords who valued order and there were still Irishmen "who chose the way of the English and of peace." Both of these classes would have been quick to see where their interest lay. Their adherence would have been won if the government had shown that it imposed one test — loyalty; that its aim was to protect and advance one class — the lieges; and that it was satisfied that in them it found a strength which did away with the need for compromise.

There was sufficient power in the towns alone to work such a policy. The bravest record of the war was the service that they gave. Bruce's difficulties had not been with the feudal armies but with the spontaneous resistance of the towns. He had been able to plunder manors everywhere but no town had fallen to him without bitter fighting through the streets. When all Ulster gave in, Carrickfergus held out. When Dundalk was destroyed, Drogheda received its fugitives and prepared to take its place. Dublin turned back a victorious army, thickly reinforced, by her judgment and courage. In the midst of the disaffection all around her, Limerick destroyed the hopes of the invaders in the south. Dublin, Carrickfergus, Drogheda and Limerick virtually defeated Bruce; their citizens and burgesses were the real heroes of the war.

It was the same story when the Irish tribes began to advance. The fall of Bunratty caused a convulsion all over Munster. In Limerick and Nenagh there were hostages taken at various times from the Irish tribes, guarded by a mere handful of Englishmen. The safety of the towns depended, not on the garrison left there, but on the loyalty of the community. When Bunratty fell, the hostages in both castles rose, overpowered their guards and took control of the castles.¹ No help could be sent. There was nothing to be done but to wait and trust to the loyalty of the citizens. In both towns they responded promptly. Before any great harm had been done, they had regained the castles and put the Irish to the sword. In 1370, an O'Brien overthrew the English host of Munster, advanced into Limerick, dragged the Earl of Desmond and his men from the Abbey where

Their work:
(1) in the In-
vasion.

¹ Pembridge, 1332.

they had taken refuge and compelled the city to capitulate. Once again the citizens rallied, drove out and slew the Irish warden and saved the centre for the government.¹ In Leinster, Wexford did the same good service for the crown. And when the menace from the north pressed down upon the Pale, Dundalk² was the buffer town which, time after time, bore the full weight of the attack. Other towns had as good a record. It was owing to them, as a whole, that the Irish attack was broken and the English power saved from complete annihilation.

With such a reputation behind them, it was evident that there was good material in the towns had it been used as it might have been. But the government refused to look for strength to the only class that could have

Their request for law in 1316. given it. In 1316, when the breakdown was only begin-

ning the towns came forward on the side of order. The communities of Dublin and Drogheda led the way. They asked for frequent parliaments, they demanded that there should be fewer pardons, and those much harder to obtain. They asked for the full execution of justice on all Englishmen and Irish, and equality of severity on English rebels and Irish enemies.³ Their petition was perfectly plain — they wanted the law. They did not ask an impossibility, but rather they pointed out where the English strength had lain and where it might still lie. Their petition was a call to the government to see its strength.

Instead it blundered on from bad to worse. Every year following the invasion the number of lieges

¹ *4 M., Uls., Cé*, 1369; *Marlburgh, Pembrige*, 1317.

² *4 M.*, 1392, 1430, 1434; *Uls.*, 1423.

³ *Cal. Close Rolls*, 8. 8. 1316, p. 358.

decreased, but the government apathy was unbroken. Then in 1341 it changed its policy and brought matters to a crisis. The king awoke to the fact that things were going wrong in Ireland. He asked the Deputy for a report on the value of tenures,¹ then he revoked all Irish grants made by him or his father.² This act was intended to ruin the leaders of the civil war and in particular Desmond. The crown knew that the rebels came from the great body of Anglo-Irish landowners, but instead of punishing them directly for their disloyalty, it hit them indirectly through their class. As a check to anarchy, the measure was the failure it deserved to be, but unfortunately it was able to leave a heritage of bitterness in that the innocent suffered with the guilty. The second measure was even worse. The king ordered that none but Englishmen born should fill legal offices and that preference should be given to those who had possessions in England. This may have been a sincere attempt on the part of the crown to remedy the existing state of lawlessness. The king may have thought that by sending men to Ireland whose interests were guaranteed by their possessions to be English, he could secure loyalty. He could not have chosen a more disastrous course. That act was the first official preference of race. The principle of government was no longer to be loyalty, but English blood. The lieges were hard hit by the preference, for no matter how staunch and loyal they might be, they could not change their birth. They were definitely

¹ Butler's note on Grace 1340.

² Pembrige, 1341. Davies *Discoverie* etc. 1747, p. 154, quoting *Close Roll*, 15 Ed. III. Resumption of grants "quia plures excessivae donationes terrarum et libertatum in Hibernia ad subdolam machinationem petentium factae fuit."

thrust out from the place that they had held. Only the English were wanted by the crown.

The act broke the patience of the towns and threw Their disaffection. them into the arms of Desmond. Under his leadership, the mayors of the cities, with the nobility and gentry, held an opposition parliament at Kilkenny to treat of such matters as might be for the benefit of the king and kingdom. The two elements affected by the new measures had fused to seek redress. The liege people tried by Desmond's strength to force the crown to see whither the land was drifting. They were wrong to join a rebel parliament, but was it any wonder that they did? Was it any wonder that Cork and Limerick looked to Desmond for protection, or that the towns in their isolation took the expedient of buying off the Irish? They did none of these things while they had any support. They only made their separate bargains, when they had no one else to look to but themselves.

And so the strength that might have been found in Their worth. the liege people was lost to the crown. It must not be thought that this was unavoidable. There were men who saw in neglect of them the heart of the decay. In 1401 Balscott called on the government to remedy the destruction which was being wrought on the "poor liege people of the land." Three years later the Deputy wrote that he found "the lieges there so feeble" and the treasury so empty, that the task of government was beyond his poor estate. There were also men who proved that in them lay the hope of the country. Fulk de Frene was one. His successful guard at Nenagh was due to his appreciation that they were the centre of everything. He recalled "the faithful", restored their rights and compelled the Irish to repair their damages and submit — "a thing," says Friar Clyn, "considered by all to be

impossible."¹ De Frene proved that it could be done, but he was only one among a host of officials, who preferred the easier way.

With the lieges, went the law that had been made in their interest. It is a tragedy to see the scanty Irish Rolls. Almost every one is blighted — flourishing in the thirteenth century, dying in the next. To think that the principle of justice should have stood so high in lawless Kerry, that a man was charged with fining a thief who stole a leek, instead of bringing him to justice! — to think that Ireland should have had such a system and the support to work it, and that her governors should have thought so little of it and let it go so lightly. The law and those who abode by it were sacrificed every time to something called expediency.

A share of the blame must lie upon England, and *Ireland at fault.* upon the central government as still the fountain head. But an equal share must rest upon Ireland as a whole. England had treated the country more than generously. She had taken her into an equal partnership. She had given her good law and government. It is hard to find a parallel for such treatment in any conquered country. It was only the wide view of a Henry II that could have given it. Throughout a century, the country had been taught to be self-supporting, and, to a large extent, self-governing. After one hundred years came the test of foreign invasion. England was too weak to continue to give much help, and the country was thrown upon herself. Not an Irish king, not an English lord, came out from it unsmirched. And yet they knew how good was the system they had got; they knew the benefits it brought and how much their people wanted it. But the moment it was threatened, they threw it over,

The sign of their
dismissal.

¹ Clyn, 1348.

because they hated the restraint it imposed upon themselves. The Irish supported Edward Bruce because it gave them a chance to play for their own hand. The English used the shock which the invasion gave to throw off all control. All the bad government which followed — the race separation and oppression — was the work of weakness, and that weakness was caused in no small measure by their treachery. The Irish government went down before the blow. There it was content to lie, its inspiration fear, its care self-preservation. If it had enforced the law and looked to the liege people, it would have won back its position, and saved Ireland for prosperity and order.¹ But it resolutely turned its back upon the only class that could have given principle to its shiftlessness. After the invasion, the road goes steadily downhill. The invasion of Bruce was the *occasion* of the trouble, but the neglect of the lieges was the cause of the decline.

CHAPTER IV.

Perspective.

We have stood before the picture of Europe, but our attention has been on the part where Ireland lies. We have examined it with our eyes close to the canvas — so close that we have seen the block lines of the

¹ Davies, *Collected works* (Grosart), Vol. II, p. lvi. Letter to Cecil, written in 1604. "but if justice be well and roundly executed heer, but for two or three years, the kingdom will grow rich and happy and in good faith, I think loiall."

groundwork, and the labour of one hundred traceries in each effect. We have seen the stroke of genius in its crudeness, without perceiving the level to which it has raised the whole. We have seen the lights as so much emptiness; we have looked into the shadows, until each has taken a multitude of tones. And having done so, we are ready to say that we have understood its meaning; that we have liked it, or disliked it, that at any rate we know it well. But there can be no appreciation, no perspective, until we have stood back and let Ireland again recede into the whole. We do not expect much from the farther view. Perhaps we have looked too deeply into the shadows to keep our optimism. If we have, there is comfort for us in the step that we have taken, for, by comparison, the lights about our country are brighter and the shadows are not so dark as we had thought. It is not only the longer distance that has made the change, but the grey half-tone and the deeper blackness of another part.

As we stand further off, it becomes evident that the sufferings of our country were but a part of a great convulsion, which shook the whole of Europe at the opening of the fourteenth century. In every country the old medieval order broke down, and a new Europe emerged. Slowly it comes into our consciousness, that what we have been watching in Ireland is the break of the Middle Ages and the birth of the modern state. Our first thought is one of gladness, for we feel that there is compensation for suffering, if it puts us in the European brotherhood. We have seen something built up in Ireland that we thought was good, then we have seen its fall. If we can think that this was not a peculiar affliction of the country, there is room for hope that as something better arose in Europe, so a freer commonwealth might arise in Ireland too.

*Convulsion
between the
ages.*

The medieval character.

And first we want to know the meaning of this change in Europe in which we have our part. We want to know what it is which enables us to say, this is medieval and this is modern, with assurance that the distinction which we make is not merely arbitrary. The broad facts of medieval history lie open to us — the world empire of Rome, revived by Charlemagne to embrace an added world, revived again and knitted to the Church by Otto the Great. The Holy Roman Empire which he established became the accepted centre of the world. The feudal tie became the common relation between men. It was a great unifying mark. Its services and obligations were comprehensible to German, Frank or Briton. By it, the relations between man and man were laid on one general foundation; so that, when the knights met at the Roman court, or on crusade, they recognised each other because they were on common ground. These broad ideas were real forces in men's lives. So long as the kings and princes of Europe set out from every country, at the bidding of the church and in defence of the empire, we cannot say that the middle ages are done. Conrad and Lewis went on crusade in 1147, Barbarossa, Richard I and Philip Augustus in 1187, St. Louis in 1248 and Edward I in 1270. They went because the cause was real to them; because they believed that their dominion and religion were in serious danger. The temper of their minds was medieval. Such was the character of the medieval age.

The change to the modern form passed through three great stages — separation, construction, fruition. As our knowledge of history widens we begin to see how little there is that is peculiar to any country. The common marks are far deeper and more widespread than we thought. We see ourselves and our development

repeated everywhere. Sooner or later the same difficulties arise in other countries, and they are met in the same way. What we have found incompatible has been smoothed from their path. The thing that we have held dear, they have defended in arms. When we have found strength by a difficult path, they are there before us. When we have been surest of our superiority, they are close upon our track. It was so with the development of Europe from these medieval forms.

The universal order of the middle ages had hardly **Separation.** been established, when growth began within it. Within the embrace of the Empire and under the sanction of the church, the perfecting of institutions began in each country, which ultimately made the several states so strong, that they broke the world state by their weight. But the common training of men's minds led this development along parallel lines. The world bond was accountable for the similarity of development. The countries moved, independently, in common periods. England drew together round her Norman house. But the same work was going on over the channel. It had been begun long before William's day. France drew together round the house of Capet just as England gathered round her Norman kings. In every country, the centralising force given by a strong house began the separation.

From that time, roughly until the end of the twelfth century, there was a great constructive period within each kingdom. Germany, France and England were laying the foundations of future greatness. The constructive ability culminated in all three about the same time, in Germany under Frederick Barbarossa (1152—1190), in France under Philip Augustus (1180—1223), and in England under Henry II (1154—1189). The age of these men was one of widening boundaries. Pomerania

and Brandenburg were added to the Empire shortly before Ireland was added to the dominions of the English king, and before a great part of the English inheritance in France passed to the French crown. But the defining of the kingdoms was a minor work compared with the construction of their governments. We have seen that the plan for our succeeding ages was laid by Henry II. He was the great builder of our history. The Irish connection was a piece of his original work. He laid it as a settler does unbroken ground. No Englishman had touched it before he came. In spite of scanty records, we know that his work was good, for we see its fulfilment in the progress of the thirteenth century. We turn from Ireland to France and Germany, and with something of a shock we realise that they were building as we were. They have the same definition of dominion and the same shutting in of the elect by a line of buffer land. The marches were no peculiar expedient of Ireland. The most powerful nobles of France were those who stood between France and the enemy peoples. The German mark was created for a like purpose. In each country, the attitude towards the hostile alien was that of the government towards the Irish enemy. Internally, there was further similarity. There was the same assurance that strength for the whole was most truly found in dependence from a common centre. The Normans saw that centre in the king. Henry II saw the secret of his supremacy in the legal headship of the crown. Barbarossa tried to apply the same principles. The definition of the regalia at Roncaglia might read like some of the documents with which we have been concerned. The work of Philip Augustus went further still. Louis VI was to him what Henry I was to Henry II. He took Louis's work as basis and on it built his own.

Under him, France received her justices, her assizes and her high court. There was the same gradual break of the council for common affairs into committees, as our *curia regis* broke into the Exchequer and the courts. In his work of centralisation, there was the same combat with the church, and it was fought in the same way. Philip Augustus held voidances as our kings held them, crushed the claim of the clergy to secular justice and used church advancement to reward state service with the same insistence as it was used by the Emperor and the English king. The lords, were controlled by a similar expedient. The servants of the king were drawn from a stratum below the highest order in France and Germany as in England and Ireland. But in the institutions of state and their control, in the abnegation of kingly power and development of democracy, England excelled. Through its connection, Ireland was ahead of Europe in the efficiency of her great officers of state, her parliament and courts. In her trial by jury, she touched a higher plane of impartiality than they. She witnessed a clearer emergence of public law, from the confusion in which it and private law had lain, than was seen among her neighbours. It was because her ordering was above the average, that there was no anxiety to hurry the whole Irish race within it. The very carelessness to define their relation, showed the certainty that the administration could bear their weight, until it absorbed them.

In the next period of change, Ireland was again **Fruition.** in line. Following the age of construction, came an age of fruition. A century of building was followed by a century of greatness. The thirteenth century was the age of Frederick II, "the wonder of the world" (1212—1250), of St. Louis (1226—1270), and of Edward I

(1272—1307). They were kings of a like calibre: none of them so great as his predecessor of the century before, each of them leader of a greater kingdom. On the crest of progress they faced both ways. They were the last and highest point of medieval order, or the beginning of the new. On the one hand, they completed what had gone before; on the other, they gave birth to the forces of the future. The judicial work of Louis IX was the completion of the work of Philip Augustus. It was one with the rule of law which was perfected in Ireland under the hand of Edward I. The work of Frederick II, best expressed in Sicily, had the same great end — uniformity of law for all. A similar state of development was reached by all about the same time, but with an independent evolution.

The break.

Thus Europe developed to its fullest point under medieval forms. Then, when their elasticity could be stretched no further, they broke and gave place to other means. Medieval Europe had lain in strata; by the end of the thirteenth century they were beginning to crack and divide. In this development it was the king, more than any other force, that broke up the old ground. It was not synod or parliament which defied the Pope; it was the king. It was the king who broke the claim of the clergy for separate courts, which was the claim of the church for universal justice. It was the king who worked himself free of the feudal order; who from being a link in the chain, became its head. The king raised up a new class of townsmen who pushed through the old accustomed layers and fitted into none of them. These things so spoiled the medieval form that it broke spontaneously. It had become an odd collection of ill-fitting parts; when it no longer provided order, its day was done.

And so the watershed between the worlds is reached. With the break of the three great forces of medieval Europe — the Empire, the Church and feudalism — the kingdoms came forward to take their place. In some cases the line of change was wide and indeterminate, with little perceptible difference from the surrounding time. The Great Interregnum, from 1254 to 1273, bore such a character. After it, the Empire was revived and revived again, but it tottered slowly to decay. From its ruins a new Germany arose. It was otherwise with the Church. Its break was sharp and sudden, and came at a moment when the vitality of the old days appeared to be at its height. The power of Boniface VIII seemed to justify the issue of the *Clericis laicos* bull. No one could have foreseen that it would lead to the Babylonish Captivity and the overthrow of the medieval papacy. With the fall of the Church, Italy and France passed over the Rubicon. The fate of feudalism, although disguised, was as surely set. It was written and sealed in the summonses to citizens and burgesses to stand in with the state. It had received many hard blows from the crown; it received its death-blow from the political entry of the third estate. The call was first made by England and Ireland, although it was followed in a very few years by France. With the rise of the middle classes these countries began their modern course. In both, the lower orders were called out by the sharp insistence of national danger. In Ireland, they came out fully grown from the fierce trial of the Scotch invasion. For this reason, those few years mark perhaps the sharpest point of the European watershed between the old world and the new. The line of break was sharp and cleanly cut. The Ireland before was very different from the Ireland afterwards.

So the change came about — in Germany with the decay of the Empire, in France and Italy with the fall of the Church, in England and Ireland with the break of feudalism. The authority of the old order passed, when it had not strength to put behind its claims. It had been built by strong men, it could not be held by weak. Strong kings and governments had developed under its *egis*, leading the old order to its highest point. They passed with the thirteenth century. In the next, everything was in the melting pot. All the old supports were gone — the Empire, the Church, absolute monarchs, a governing class — all the guiding hands of the centuries. From the decay the people had to evolve something for themselves. Their day had come.

The modern character.

Even after one hundred years the change can be felt. There is a different unit in men's minds. The world ideal has passed and in its place has come the welfare of the kingdom. The inspired devotion of Joan of Arc is for the "fair realm of France". The raillery of Chaucer, the criticism of Wyclif and the obstinate independence of Hus break the universal claim of Rome in every country; that of a world-wide temporal power is never heard of. The Roman Empire had been capable of two resurrections, both real and living because both were of the same age — the age of the ideal of universality. But after the Great Interregnum, the world empire and the world church were as dead as Charlemagne, not so much because the Empire had vested in the house of Austria and the church had become the plaything of France, as that the old desire for world unity had passed away. There was a new ideal in Europe. Men had found a new way of looking at things; they could never again see them as before. It is this new mode of thought which gives a different character

to each period, and which allows us to distinguish the one as medieval, the other as the modern world.

It was inevitable that the new age should be ushered in in chaos. It was impossible adequately to replace the greatness of what had gone without a time of trial and mistake. Men did not know that the Empire and the Church were passing never to return. They could not see what was coming in their place. What *could* replace them? Were they not essential to the world? Then, as now, there were forces in men's lives which seemed as necessary as the air they breathed. It was only the inadequacy of the old expedient, its inability to respond, which forced something to emerge out of confusion to fill the void.

During its emergence every country had its period of chaos. The first sign of it was war. Within the community, noble fought with noble. Their order had been the pivot of the old age; with its passing their power lapsed into disorder. Their wars in Ireland were but a part of the struggles between Guelph and Ghibelline, between Burgundian and Armagnac and between Yorkist and Lancastrian. In every country the same origin lay behind the trouble — control had broken down. From faction fight the disaffection passed on into other forms of civil strife. The seed of race hostility was nursed as a useful party strength. In Ireland and in Germany it made its unworthy way into the statute book. A hard line of division was created where before there had been unity. Englishman and Irish, German and Bohemian drew apart within the one community. Surely the governments which effected such division could not hope to stand? These internal troubles opened the door to foreign war. From this time Italy became the theatre for the tragedies of other countries and Germany and France

began to feel along their common boundary in mutual distrust. But the war that was most truly typical of the time was that of one hundred years between England and France. It was the long pulling asunder of the ages. It was fought in the attempt to perpetuate old principles. The English king fought for his inheritance in France. There was no incongruity in the claim while the feudal world was one, but in the face of French nationality, the feats of Crecy and Poitiers were driven into sand; and neither they nor the glory of Agincourt could hold a treaty even for a score of years. Was there ever such a curious war — fought by the armies of a new age in defence of the principles of an old — one side infinitely superior in arms and leadership but routed before the spirit of a nation in the person of a maid?

The people's age.

In such a time, men became accustomed to unrest and fighting. It did not seem strange to them that the new-found brotherhood of peasants should find its first interest in revolt, or that the beginnings of liberty in thought should be won by the coercion of arms. The merits of every cause, even of religion, were tried by war. When everything was overturned this attitude was bound to come. Nor must it be unduly bewailed. It arose from the breakdown of control, and it existed only until the people had found something for themselves which could give back order to the world. It was their day and their chance to prove themselves. The evolution of so great a thing as democracy could not but be slow and painful. The revolution was immense — the people were to control the world. They had to train themselves in the very principles of government; they had to learn that a little from their poverty was riches for the state; and they had to prove that industry and commerce could

furnish an estate equal to birth or lands. Individually they were poor and weak and unlettered. From that, they had to make a body that was powerful, rich and skilled in government. The accomplishment of such an aim was surely one of the greatest feats in progress. But they did it, to their lasting praise. They found in the body — in the corporation — all that they needed to bring order out of chaos; to give them power to control and wisdom to rule.

All through the fourteenth and fifteenth centuries *The corporation.* Europe drew together into little groups. They were so small and so diverse that they attracted no general attention. In spite of this they were the unit of the new life. The first corporations grew from the daily occupations of the people. All the different sides of life drew together into guilds. The *arti* of lawyers and bankers in Italy, emerged side by side with those of the wool-weavers and cloth merchants. In the great German cities, such as Hamburg and Bremen, Augsburg and Ulm, *hansas* either of craftsmen or merchants arose. In the great English and Flemish towns it was the same. The movement in Ireland was parallel. The guild of S. Nicholas of Dunsany arose under the patronage of the Earl of Desmond. The Earl of Ormond founded the guild of the Shoemakers of Dublin. There were the guilds of the Blessed Virgin Mary, of St. George, of the Holy Trinity and many more. All over Europe the corporation was very complete. Its freedom to form a body had some written guarantee — its charter. From this, its privileges were extended until they covered the rights of self government, of property, and above all, of justice.

In their next step forward, the full significance of *its control of civic life.* the little communities became evident. Gradually they

won control of civic life. The franchise of the towns passed into their hands. The healthy struggle between the merchant and the craftsman class gave to these town communities a sturdy life. It threw the scope of each corporation wider still. The civic games and pageants were played by craft. In Dublin, the glovers would present Adam and Eve and the angel with the flaming sword; the cooks and masons, Pharaoh and his host. So, Ross in the face of the enemy repaired her walls by craft. The guild was all-embracing; good conversation, sickness and want, even the care of the soul after death — all came within its wide activities.

And all the continent was working in the same way. Italy went furthest. There the growth of the guild to the compass of the town was so perfect and so strong that the only entrance to political life was through the *arti*. Italy was more affected by the break of church and Empire than other countries. While the Emperors were purely Austrian and the Popes lived at Avignon, she was thrown on her own resources for government. The result was the emergence of the commonwealths of Venice and Genoa and the powerful democracy of Florence. Even Rome itself, set up a commonwealth for a time, and when the Popes returned the Papal States emerged with no pre-eminence, only an equality with the four great city states. There was, in Italy, a general reversion to the old Greek form.

Leagues between towns.

In the next advance, there were signs that Europe might follow the Hellenic example further still. The corporate life of the cities was hardly complete before leagues began to appear between them. Again the development was general all over Europe. Italy kept closest to her ancient model, for there, Milan ruled as mistress of Pavia and Cremona, while Pisa and Pistoia

were subjects in a league of which Florence was the head. In Germany, the northern cities joined together in the Hanseatic league; the southern cities in Westphalian, Swabian or Rhenish unions. In England, the Merchants' Council drew together the greatest ports into a domestic league, which recognised the *hansas* as a kindred, with whom the common interest urged them to unite. In Ireland, a league sprang up between the towns. Dublin, Cork, Waterford, Limerick and Drogheda united to maintain their liberties, and to treat annually at Kilkenny, of their affairs.

So far there was a broad uniformity all over Europe. The people were training themselves and finding the means of power. It was the necessary first step in democracy. The subsequent development of Italy and Germany was wrong. Their strong civic leagues became political. While they represented only a part of the community they usurped the functions of the whole. As they grew up, in Germany, under the blight of Imperial legislation and with the hatred of knight and prince, so, when they became strong, they blended neither with state nor noble. The Hanseatic League assumed the right of making war and peace, and for a time cut a greater figure than the Empire. The Swabian League and the League of Rhenish towns fought with the nobles and plunged southern Germany into class war; while in Italy the leagues clung to the city type of state which allowed no room for a national kingship and small provision for a noble class.

Fortunately, the development of England and Ireland was towards a truer democracy. The fusion of the king, the nobles and the people, was the secret of their strength. It was because the nobles were drawn down into a common meeting and the people raised to

True democracy.

it, that there could be no distorted growth in either. Our towns recognised their union with the state. They owed their position to the king. When he was replaced by the state, so gradually that the change was imperceptible, their position as dependents remained unchanged. We are inclined to regard this as part of the long view of Edward I, rather than as the merit of the constitution; but we have only to look at the attitude of foreign cities to see that their early relation to the king was something apart from their later relation to the state. It was the merit of the constitution, that the English and Irish leagues did not become political. Their aspirations in that way were amply satisfied in parliament.

Nor did Ireland suffer from the class war of the continent. Although the noble's day of political pre-eminence was gone, he was never treated with the hostility and bitterness of Florence. His nobility was never held to bar him from the possibility of good citizenship. In Ireland, class division did not widen into incompatibility. The noble, *qua* noble, did not become the enemy of the state. For this reason Ireland was saved from Italy's reaction into tyranny. There, the nobles by their weight — often by the abnegation of their order — worked their way into the structure of the commonwealth, to break it by a despotism. But in Ireland there was never any sign that Ormond might build on Kilkenny a tyranny such as the Visconti made at Milan; nor was there any closing-in of the communal bodies of an Irish city into the oligarchy of Venice. It is only by comparison that the light breaks in on the shadows of our politics.

So the corporation grew — from the person to the craft, from the craft to the community, from the community to the commons, from the commons to the council. When

that day came the people had won control. Their impress was on the nation's face — the revenue was fractional, the army was on foot and carried wooden arms, the navy was the merchants'¹ care, the language was the people's tongue — yet all were sufficient to make a greater Europe than that which had passed away. Feudalism shed on Europe the beauty of the first rays of order, but the people's age filled her with a broader light. From the recasting of institutions the centuries mount higher — first, to the rebirth of the mind in a corporation of art and letters, then to the renewing of the spirit and the re-forming of belief.

Thus we have stood back and let Ireland recede Ireland in relation to the whole. into the European picture. And by doing so we have brought her into rough perspective. Under medieval forms she was in the van of progress. Her government and institutions were broad; in freedom and justice she was ahead of Europe; her provisions for internal peace and unity were ampler than the measures of the day. Then came the Invasion and the breakdown of control. In Ireland, the climax was more sudden and more absolute than in other countries and her resulting anarchy was more complete. The form of order sank deeply in the mud of party strife. But within her, there was the same promise in her corporations and the same sanity in her sons. It is true that the government had lost its balance in turning from the lieges, but it had not passed out of touch with the people in the way that others had. There was in her, all the possibility that was lighting a new day over Europe, should she rise and call it forth. A sense of responsibility was growing

¹ *Cal. Patent Rolls*, 28.4.1406. Parliament decided that the merchants should have the keeping of the sea and nominate admirals.

in men's hearts in the midst of the wreckage round about them. It carried duty with it, but duty with a quiet strength. Many weighed the disorder and corruption round them, and chose to shoulder it and have the right to furnish something better. That was the new life to which Europe was called. The claim was plainly before every people. If a country turned from it, she lost her judgment and cut away her self-respect. If she humbly took it up, she found the secret of democracy. A grave charge of responsibility had fallen upon every man:

"Full well we know 'tis for our guilt, the woe that
we be in;
But no man knoweth that it is for his own sin.
Each puts upon the other the burden of the wrong,
But would each man ransack himself, all would be
well e'er long for all.
But now can each man blame his friend, and himself
not at all."

INDEX

Abbeyleix, 92.
Absentees, statute of, 123.
Accounting, system of, 143.
Administration, 17, 127-9; Liberty, 32, 131; plans of Edward I for, 130; after Invasion, 132.
Agincourt, 162.
Agriculture, 55-6.
Alfred, the Great, 4.
Allegiance, of Anglo-Irish, 133-4; of Irish, 136-7.
Anarchy, 108, 135-6, 167.
Anglo-Irish, attitude to Bruce, 72-3; O'Neill's attitude to, 112; tenures of, 149.
Annals, character of, 7; Pembridge's, 73-4; Clyn's, 87-8.
Antrim, 11; landing of Scots in, 73.
Aquitaine, 16; aid from, in hands of foreigners, 144.
Archbishop, of Dublin, 16, 20; before Court, 24; jurisdiction of, 33; Bicknor, 115; of Armagh, 28, 117.
Ardee, 77, 79.
Ard-ri, 6, 54; O'Conor, 36.
Arklow, 97.
Armagh, Primate of, 28, 117.
Army, feudal, 70-1; devastation of, 119; fault of King's, 119-20; in the marches, 124; private, 124.
Arrears, in salaries, 128; in public money, 129.
Arrest, 123; of Earl of Ulster, 108-10.
Art, 4.
Assassination, 138.
Assize, possessory, 25; Grand, 26.
Athenry, 25; battle of, 97.
Athlone, Castle of, 14; friars in, 17; taken by O'Conor, 97.
Athy, 92; John of, Admiral, 116, 118.
Attorney, 16.
Augsburg, 163.
Augustus of the west, 3.
Austria, 160.
Auxerre, 3.

Babylonish Captivity, 159.
Ballybetagh, 54.
Ballygowran, 106.
Balscott, 125, 132, 150.
Bann, R., 81-2.
Banner, king's, 108.
Bannockburn, 64, 74.
Barbour, 93.
Bardi, 91, 144.
Bermingham, 55, 131; John, 117-8; pardon of, 125; liberty granted

to, 131; in civil war (1327) 135; in wars with Irish, 136.

Berwick, 20, 65, 106, 110; taken by Scots, 115.

Betagh, 43.

Bicknor, Justiciar, 115, 127.

Bishop, of Ferns, 134.

Bishops, 21.

Bissett, 75, 134.

Blood price, 1.

Boniface VIII, 159.

Bordeaux, 16.

Border, between England and Scotland, 64, 115, 116.

Borrowing, 72, 90; by Edward I and II, 144.

Bracton, 19.

Brandenburg, 156.

Bray, 97.

Breffny, 35.

Bremen, 163.

Brian Boru, 4.

Bribery, 128.

Bright, Co. Down, 101.

Bruce, Edward, 61, 65, 152; in Ireland, 66-120; Robert, 62-6, 92, 103, 110, 115.

Bull, of excommunication, 112; *clericis laicos*, 159.

Bunratty, 137, 147.

Burgesses, 43, 147; Irish, 43-4, 123; a loyal class, 147; called to Parliament, 159.

Burgundian, and Armagnac, 161.

Burke or De Burgh, 55, 59; Richard, 3rd Earl of Ulster, 77-89, 103-10, 119, 133, 135; William, 83, 135, 137; Walter, 135; Thomas, 138; Edmund, 138.

Butler, Edmund, 71, 79-80, 107; as Justiciar, 71-106, 127, 138; in civil war of 1327, 135.

Callan, 106.

Cambridge, University of, 17.

Campbell, 78, 102.

Canon or Canterton, 50, 134.

Canon law, 3.

Capet, House of, 155.

Cardinals, sent to England, 111, 114-5.

Carlisle, 69, 106.

Carlow, 33; Liberty of, 33, 130.

Carnarvon, 20.

Carrickfergus, 11, 71, 83-4, 92, 107, 110, 147; Siege of, 93-6; retreat to, after Faughart, 118.

Cashel, 26, 107; Synod of, 57.

Castleknock, 104-5.

Castles, king's, 78, 110; of Limerick and Nenagh, 147.

Centralisation, 5, 10-16.

Chancellor, 20; of Irish Exchequer, 16; Lord —, of England, 16.

Chapelizod, 14.

Charlemagne, 154, 160.

Charters, Confirmation of, 23; city, 34, 100, 163; use of, 58, 140-1.

Chaucer, 160.

Chief Justice, of Common Pleas, 20; of king's Bench, 20.

Christianity, 4.

Church, universal, 1-3; submission of, to Henry II, 8, 57; land in the liberties, 28; courts, 33-4, 158; as bond of union, 56-7; Tenth from, 72; O'Neill and the, 112-3; material loss of, 119; arrogance of, after

Invasion, 123, 126, 129-30; in other countries, 157; breakdown of medieval, 159.

Cinel Owen, 35, 75.

Cinque Ports, 71.

City, development, 100; state, 164; leagues, 164-5.

Civil War, 135-6; effect on government, 139; consequence of, 149.

Clonmel, 23.

Clontarf, 5.

Cloyne, 23.

Clyn, Friar, 150.

Cnut, 9.

Coleraine, 11, 81.

Commerce, 163.

Common Pleas, court of, 23.

Connaught, 16; counties of, 12; represented in Parliament, 22; given to O'Conor, 36; held by Earl of Ulster, 78; throws off allegiance, 135, 139.

Connor, 82-3.

Conrad, 2, 154.

Constables, of Castles, 24.

Cork, 17, 24; Courts christian of, 34; looks to Desmond, 150; in league of cities, 165.

Coronation of Bruce, 93, 97.

Corporation, 163-4.

Council, 13, 19, 20-2; and arrest of Earl of Ulster, 108; and Dublin, 108-9; and rebels, 139-40; division of, 157.

County, 11; representatives in Parliament, 22; passage of courts through, 24; court, 24.

Court, king's, 19; divisions of, 19; of Common Pleas, 23;

County, 24-5, 29, 31, 44; baron, 29; leet, 29; hundred, 29;

Church, 33-4, 158; City, 33-4, 100, 130; of Edward Bruce, 94, 110, 112; Papal, 112; and distress, 124.

Creecy, 162.

Criminal causes, in liberty, 29.

Crisis of 1341, 149-50.

Crown, pleas of, 23; and the Irish, 36; prestige of, after Invasion, 121-2, 132; loyalty of towns to, 130.

Crusade, 154.

Curragh, 14.

Customs, 32; of liberty, 32; in hands of foreigners, 144.

Damascus, battle of, 3.

Danes, 4, 5, 51; as freemen, 45-6; outside the peace, 51.

Darrein presentment, 25.

Davies, 39.

Debt, 32; of liberty, 32; remission of, 132, 143.

De Clare, 89, 107; Richard, slain at Dysert O'Dea, 115.

De Frene, 150-1.

De Lacy, Hugh, 28, 85, 90, 110; Walter and Hugh, 117, 133.

Demesne, Royal, 14; feudal and tribal, 56.

Democracy, 157, 162.

Deputy, 149-50.

Desmond, Earl of, 125, 135, 138, 149; in civil war (1327), 135-6, 139; debt of, 143; taken by O'Brien, 147; calls rebel parliament, 150; liberty of, 131.

De Valence, 29, 48; Johanna, 29; Agnes, 48.

De Valle, 136.

De Verdun, 12, 117.

Distress, management of, 124, 141.
 Drogheda, 26, 44, 147; presenting jury at, 26; provision ships at, 95; petition for law made by, 98-9, 101, 148; in league of cities, 165.
 Dominion, 37, 42-9; king's, 37; definition of, 156.
 Douglas, 64-5.
 Down, 11.
 Downpatrick, 101.
 Dublin, 11, 17, 20, 22, 97, 106, 123, 147, 165; provisioned, 71; petition of, for law, 97-8, 101, 148; Siege of, 103-6; castle, 104, 108; pardon of Community of, 125-6.
 Dundalk, 71, 147, 148; provisioned, 71; fell before Bruce, 77; crowning of Bruce at, 94; last battle near, 116-7.
 Dunnedergale, 75.
 Dysert O'Dea, 115.
 Earl, of Ulster, 27, 77-89, 103-10, 119, 133, 135; of Lancaster, 70, 72; of Kildare, 130, 139; of Ormond, 131; of Desmond, 131, 135, 138, 149, 150.
 Ecclesiastical, discipline, 34; taxation, 58, 111.
 Edward I, 39, 157, 166; and extension of the law, 39; Scotch wars of, 78, 144; and management of distress, 124; and the liberties, 130-1; and the great lords, 134; on crusade, 154; work of, 157-8.
 Edward II, 111, 112, 115; attitude of, to the Invasion, 120; a bad king, 122; borrowing of, 144.
 Edward IV, 124.
 Election, tribal, 53.
 Enemy, Irish, 37; expeditions against the, 138, 142; attitude to, in other countries, 156.
 Enfranchisement, of middle class, 106.
 England, 14, 22, 27, 53, 59, 65, 72, 122, 144, 151; pressure of Bruce on, 70-1; decay of control in, 128-9; development of, 155-66.
 English, conquest, 8; law, 41-2; — men slain, 45; serfs, 46-8; rebels, 49-50; in Ireland, 52-60; preference of, 149.
 Englishry, 39.
Eric, 6, 40.
 Escheats, 143.
 Europe, 1, 2, 5, 152-68.
 Exchequer, 13, 20, 23, 157; and the Liberties, 32; and the Irish, 37; statute of the, 145.
 Excommunication of Bruce, 111-2, 115.
 Eyres, 24.
 Family, 1.
 Fanyns, 136.
 Farm, of the towns, 129.
 Faughart, camp at, 77; battle of, 116-7, 120.
 Fealty, oath of, 36, 113.
 Felons, in liberty, 30.
 Ferns, 22.
 Feudal, state, 1, 53-60; service, 14; holding, 53; homestead, 55-6; privilege, 109; lord, 133, 140-1; tie, 154.
 Feudalism, 2, 167; and tribalism, 153-60; break of, 158-9.

Fiefs, 26.
 Finance, see Exchequer, Taxation, Treasury etc.
 FitzMaurice, 55.
 FitzThomas, 28, 85, 89; Liberty and Earldom granted to, 131; and civil war of 1327, 135.
 FitzWarren, 134.
 Five bloods, 38.
 Flanders, 72; help from, to Bruce, 91.
 Fleet, 68; Bruce's, 68, 110; overthrown, 116.
 Flemish, guilds, 163.
 Florence, 164, 165, 166.
 Famine of 1316-8, 88-9, 92.
 Force, 6, 7, 10; beats law, 137-8, 140-1.
 Fore, 92.
 Foreigners, 5, 144; and issues of realm, 144-5.
 Fosterage, 141.
 Fothered, 11.
 France, 14, 156, 160; land held in, 14; peace with, 72.
 Franchise of towns, 164.
 Frederick II, 157-8.
 Frederick Barbarossa, 155-6.
 Freemen, 38; Irish, 36, 43-6.
 French, 45, 49.
 Friars, 17.
 Fruition, age of, 157-8.
 Gael, 50, 60.
 Gall, 60.
 Galway, 23.
 Gaeshill, 92.
 Genoa, 91, 99, 144, 164.
 Germany, 156, 157, 159, 161; guilds in, 163.
 Geynville, 12.
 Ghibelline, 161.
 Giraldus Cambrensis, 36, 50.
 Glentruel, 63.
 Gormanston, 26.
 Goth, 5.
 Government, officers of, 19-20; effect of invasion on, 121-33; and parliament, 123; forms of, 32, 130; delegation of, 130; and the lords, 134; decay of, 139-40; and the lieges, 146; in other countries, 156; by the people, 162-8.
 Granard, 85.
 Great Interregnum, 159, 160.
 Greencastle, 101.
 Grey Abbey, Abbot of, 134.
 Guelf, 161.
 Guild, 44, 100; Merchant, 44; in Italy, Germany, England etc., 163; in Ireland, 163; of St. Nicholas, of Blessed Virgin, of St. George, of Holy Trinity, 163.
 Hamburg, 99, 163.
 Hansa, 163.
 Hanseatic League, 165.
 Heirs and their control, 126.
 Henry, "king of the world", 2.
 Henry I, 18, 24, 157; — II, 8, 11, 18, 155; settlement of, 35-54; wide view of, 151; constructive genius of, 155-6; — III, 19; and the *eric*, 41.
Hibernici, 43-8.
 Holy Roman Empire, 2, 154; break of, 159.
 Homage, 36; of Irish to Henry II, 36.
 Honour, of Dungarvan, 14.

Hostages, 36, 54; held by Earl of Ulster, 78; in Limerick and Nenagh, 147.

Hostings, 8.

Hothum, John de, 16 (n. 7), 72, 84, 89-90, 98, 111.

Household, the, 144.

Hun, 5.

Hundred Years' War, 162.

Hundreds, 11.

Hus, 160.

Independence, of liberties, 130-2; after Invasion, 132.

Industry, 163.

Inishkeen, 80.

Iona, 3.

Irish, saints, 3-4; legal position of, 35-52; fusion of, with English, 52-60; attitude to Bruce, 69-70, 76, 118-9; attacks in support of Bruce, 96-7, 107; advance, 136-7; throw off allegiance, 136; bought off, 150.

Irishman, 35-54; slain, 40-2; under English law, 42; in the dominion, 42-3; as freeman, 43-4; as *hibernicus*, 46-7; general position of the, 52.

Irishry, 37-42.

Isle of Man, 68, 71, 93.

Isolation in Europe, 5-7.

Italy, 160; theatre for wars, 161; guilds in, 163.

Itinerant justices, 24, 31.

John, king, 18, 19.

John XXII, Pope, 101, 111-2.

Judgment of heaven, 6.

Jurisdiction, in liberty, 29.

Jury, 25, 26; Trial by, 25-6, 28; Presenting, 26; in liberty, 30; for Irishmen, 44-5; of assessment, 50.

Justice, Courts of, see "Court"; control of, by towns, 130, 163; and force, 140; demand for, 148; principle of, 151; secular, 157.

Justices, of central courts, 20; Itinerant, 24, 31; Possessory, 25, 28; of Gaol Delivery, 25.

Justiciar, 19, 20, 71, 116, 135; and the Courts, 23; and the law, 49; and rebels, 51; Butler, 71-106; and the levies, 79; Bicknor, 115; pardons of, revoked, 126; beyond control, 127; Lucy, 127; Desmond, 135; allowance to, for public works, 142.

Keating, 35, 52.

Keeper, 13, 54.

Kells, in Meath, 84; battle of, 85, 110; in Ossory, 107.

Kerry, 26, 51, 151; Jury from, 26; embraced in a liberty, 131.

Kildare, 12, 22, 107; prison of, 25; liberty of, 29, 130-1; Earl of, 130, 139.

Kilkenny, 12, 22, 107, 165, 166; sheriff of, 26; liberty of, 33, 130; armies meet at, 79; rebel parliament at, 139-40, 150.

Kilmallock, 25.

Kilmainham, 108.

King, demesne of the, 14; supremacy of the, 10, 18; as feudal lord, 17; court of the, 19; castles of the, 24, 78, 110;

license of the, 126; medieval order broken by the, 158-9.

King's Bench, 23, 28.

Knights, of county, 25; — service of Irish, 43; and preservation of the peace, 51; of the Irish parliament, 123.

Lancastrian wars, 161.

Land, divisions, 13, 54; tenure, 14-6, 55-6, 58-9; *seisin*, 23-5; freehold, in liberty, 31; of Irish freeman, 45-6; tribal, 53-4.

Language, 67, 141, 167.

Larne Harbour, 73.

Law, codification, 3; Brehon, 6, 10, 38-42; supremacy of, in England, 9, 18-9; rule of, 18-34; court of, 19, 23-6; position of Irish under, 35-52; English, 38-42; trading, 100; decline of, 121-33; form of, decaying, 126-7; proficiency in, 127; petition for, 148; passing of, 151; in other countries, 158.

Lawlessness, 135-6.

Lea, 92.

Leagues, city, 164-5; in Germany, 165; in Ireland, 165.

Leicester, 17.

Leinster, counties of, 11; Liberty of, 29; Liberties, 130; Irish kings of, 35; levies of, 71; won by the Irish, 137.

Leix, 97.

Letters, of protection, 16; patent 38-9.

Lewis, 154.

Leyburn, mission of, 72.

Liberties, 26-33; control of, 129-32; new creations of, 130-1; of Louth, Ormond, and Desmond, 131; independence of, 132.

Liege people, 49, 145-52; decline of, 149.

Lieutenant, Mortimer as, 106-10.

Life and limb, protection of, 24; in liberty, 29; of Irishmen, 40-2, 45-6.

Limerick, 23, 147, 165; Gaol delivery at, 26, 28; jury in, 48; regranting of, 50; Bruce at, 106; as outpost against Irish, 187, 147; debt of, 148; fall of, to Irish, 148.

Logan, 75, 134.

Lough Neagh, 81.

Lough Sewdy, 75.

Louis VI, 156; IX, 157-8.

Louth, 80; Bermingham, Earl of, 118, 138; Liberty of, 131.

Loyalty, 105; of Dublin, 105; of lords, at fault, 133-4; a policy to encourage, 146; measures to secure, 149.

Lucy, Justiciar, 127.

MacCarthy, 35, 55, 136.

MacMurrough, 9, 35: his land in Leinster, 37; loss of land, 50; as marcher lord, 51; Leinster won by a, 137; assassination of a, 138.

MacWilliam, 55.

Magna Carta, 18, 21, 22.

Malahide, 14.

Mandeville, 75, 83; defence of Carrickfergus, 93-5; and murder of Earl of Ulster, 138.

Manor, 55.

Marches, 50-1; armies in, 124; in other countries, 156.

Mayo, 138.
 Mayor, 100; of Dublin, 103.
 Meath, 12; grant of, 27; devastation of, by Bruce, 77.
 Medieval order, 154, 157-8.
 Meere Irish, 39.
 Menteith, 75, 101.
 Merchants, societies of, 144; struggle with craftsmen, 164; Council of, 165; and the Navy, 167.
 Middle Ages, 153-4.
 Middle class, 99-100, 106, 118.
 Milan, 164, 166.
 Military tenure, 27; of Irish, 37.
 Modern age, 161-8.
 Moiry Pass, 76.
 Monasticism, 4.
 Morale, 122, 134.
 Moray, 75, 82-3.
 Morghkuryh, 92-3.
Mort D'Ancestor, 25.
 Mortimer, Roger, 84, 106-10, 133, 136.
 Mortmain, Statute of, 123.
 Mowbray, 83, 117.
 Mulingar, 30.
 Munster, 12, 13; levies of, 71; rising of Irish in, 137.
 Murder, 138; of Earl of Ulster, 139.

 Naas, 106-7.
Nativus, 46-8.
 Navy, 167.
 Nenagh, 107, 137; as stronghold against Irish, 147, 150.
 New Custom, 91, 143.
 New Ross, 137.
 New Town of Blawyk, 11.
 Newcastle, 85.

 Nobber, 84.
 Norfolk, 50.
 Norghburgh, 71.
 Normans, 3, 10; kings of, 155.
Novel Disseisin.

 Oath of fealty, 36.
 Oboy, 14.
 O'Brien, 35; land in Munster for, 37; Donnell, 50; rising of an, 137; assassination of an, 138.
 O'Byrne, 97.
 O'Carroll, 35, 136.
 O'Conor, Roderick, 9, 35-6; treaty with Henry II, 9, 36; land for, 37; loss of land, 50; Felim, 59, 79, 82, 97; Hugh, 59; Turlogh, 138.
 O'Dempsey, 58, 81.
 O'Donnell, 7, 137; Conor, 138; Niall, 138.
 Office, administrative, 127-8; grouping, 128.
 O'Kane, 58.
 O'Melaghlin, 37; land in Meath for, 37.
 O'More, 97, 136; assassinated, 138.
 O'Neill, land for, 37; Hugh, 59; Donnell, 75, 79-81, 112-3; his Remonstrance, 113, note 1; advance of, 137.
 O'Nolan, 136.
 Ormond, 131, 166; Liberty of, 131; Earl of, 131, 135.
 O'Rourke, 35.
 Oswald, 4.
 O'Toole, Archbishop, 8.
 O'Toole, of Wicklow, 97, 136.
 Otto the Great, 154.
 Oxford, 17.

Pageants, civic, 164.
 Pale, 137, 148.
 Papal, Court, 16; states, 164.
 Pardon, 125, 134; abuse of, 125-6; of Earls of Ulster, Desmond and Louth, 125; petition against, 148.
 Parley, 141.
 Parliament, summons to, 20, 22, 139; *Modus tenendi*, 21; of 1254, 22; of 1265, 22; Irish "Model", 22; and liberties, 31-2; and position of Irish, 39-40; and the *eric*, 41; and marches, 51; at time of Invasion, 79; decline of, 122-4, 139; rebel, of 1341, 130, 140, 150; petition for, 148; and civic life, 166.
 Peace, 29, 51, 146; king's, 29; lands at, 50-1; treaty with those outside, 123-4.
 Peasants, 162.
 Peculation, 128-9.
 Pessaigne, 144.
 Philip Augustus, 154, 155, 156, 157, 158.
 Philip V, 101.
 Pleas, Common, 23; Royal, 24, 28; cognisance in liberty, 29.
 Poitiers, 162.
 Pomerania, 156.
 Pope, 111-3, 158-9; at Avignon, 164; return to Rome, 164.
 Power, 85, 89; Eustace, 28; Arnold, 85, 90; in civil war of 1327, 135; in wars with the Irish, 136, 139.
 Prey, 56, 141.
 Prise of Wines, 143.
 Property, 1, 17; tribal, 1.

Provinces, 22.
 Provisions of Oxford, 29.
 Provisors, statute of, 123, 129.
 Public works, 142; law, 157.

Race, 48, 55, 59; fusion, 54; intermarriage, 55; difficulty solved in lieges, 146; preference of, 149; absorption of Irish, 157.
 Randolph, 101.
 Rathangan, 85.
 Rathlin, 63, 66, 68, 75.
 Rathmore, 75.
 Ratoath, 102.
 Realm, uniformity of, 11-7.
 Reban, 92.
 Rebels, lords becoming, 132; terror created by, 140.
 Remonstrance to John XXII, 112-4 and notes.
 Rent, of Irish, 43: due from lords, 132.
 Revenue, Royal, 23; at Bruce's invasion, 72; expenditure of, 138; not cause of decay of government, 142-4.
 Ricardi, 91.
 Richard I, 18, 154; II, 137.
 Roches, 89, 134.
 Rome, 1, 2, 5, 99, 115, 154; claim of Church of, 129-30; court of, 129, 154; Empire of, 160; Republic at, 164.
 Roscommon, 79.
 Rosponde, 11.
 Rule of law, 18-34, 60.

Saints, Irish, 3.
 Salaries, 19-20, 128.
 Salian Franks, 3.

Saul, 101.
 Savage, 134, 136.
 Saxon, 5.
 Scotichronicon, 113, note 1.
 Scotland, 14, 53; independence of, 62-4; connection with Ireland, 66-8; king of, 112; war in, 142.
 Scribes, 4.
 Seneschal, 29, 30, 130; of Kilkenny, 30; and Royal Court, 30; of Meath, 30.
 Serjeanty of Irish, 43.
 Service, feudal, 15, 27; of Irish, 37-8, 43; Royal 70-1; lapsing of, 132; reward for good, 139.
 Sheriffs, in Ulster, 12 (note), 13; and Exchequer, 23; and distress, 124; and the liberties, 131.
 Sicily, 158.
 Sixteenth, 72, 106; in hands of foreigners, 144.
 Skerries, battle of, 86-7, 90, 92, 96.
 Skreen, 102.
 Slane, 102.
 Southampton, 17.
 Spenser, 67, 121, 125.
 Spini, 91, 144.
 State, feudal, 1, 53-60; tribal, 53-60; city, 100, 164; world, 155.
 Status, 43-8, 56; free, 43-6; servile, 46-8.
 Statute, of Ruddlan, 39; over-riding of, 123; of Mortmain, of Absentees, 123; of Provisors, 123; of the Exchequer, 145; and race, 161.
 Stewart, 75, 117.
 St. Albans, 136.
 St. Andrews, 17.
 St. Brigid, 3.
 St. Columba, 3.
 St. Columban, 3.
 St. Mary's Abbey, 103.
 St. Gall, 3.
 St. Patrick, 3.
 Submission of Irish to Henry II, 8, 35-6.
 Subsidies, of liberty, 32.
 Suit, of Irish, 43.
 Synod, 57, 158; of Cashel, 57.
 Taxation, parliamentary, 22, 72; ecclesiastical, 58, 111.
 Tenants, in-chief, 23; Military, 27, 140; Irish, 37-54; villein, 43, 46-8.
 Tenth, 72, 111; in hands of foreigners, 144.
 Tenures, report on, 149.
 Thomas Don, 68, 82, 86, 116.
 Thomond, 33; Liberty of, 33.
 Tipperary, 24; Itinerant justices in, 24; Justiciar in, 26; included in a liberty, 131.
Tir Eoghain, 79.
 Tours, 3.
 Towns, development of, 99-100; treaties made with Irish enemy, 124; control of, after invasion, 129-30; loyalty of, 147-9; and rebel parliament, 150.
 Townships, 11 (note).
 Trade, 4; regulation of, 100.
 Treachery, of lords, 133-4; of Desmond, 138.
 Treasurer, 20.
 Treasury, 142-3, 150.
 Treaty of Windsor, 36.
 Trespass, 29.

Trial, 25; by jury, 25-6, 28; of Earl of Ulster, 108-10.

Tribal, property, 1, 53; system, 1, 53-60; crime, 1; honour-price, 53; unit, 53; homestead, 55-6; church, 56-7.

Tribalism, Irish, 2, 5-8, 53-60.

Tribute, 36-7; of Irish to Henry II, 36-7.

Trim, 28, 31, 107; Liberty of, 28.

Tristledermot, 85, 106.

Tuath, 54.

Truce with enemy Irish, 50.

Tuite, Richard, 117.

Tyronnell, 7.

Uladh, 35.

Ulm, 163.

Ulster, counties of, 11; ports in, 23; jury from, 26; grant of, 26-7; Earl of, 27-8, 58, 77-89; 103-10; liberty of, 31; Land for O'Neill in, 37; Bruce's raid on, 69, 103; winning of, 73-87; Bruce's passage through, 81; army, 102, 107, 108; Bruce's rule in, 110-2; throws off allegiance, 135, 139.

Uniformity, of king's realm, 113-6; of Europe, 165.

Unity of realm, 16.

Universality, 160.

Uriel, 35.

Vandal, 5.

Venice, 164, 166.

Verdon, Miles, 117-8.

Vill, 11, 54.

Visconti, 166.

Voidances, 157.

Wales, 37; dominion in, 37; tribal, 53; attack on, by Bruce, 68; Thos. Don off, 86; revolt in, 89.

War, with enemy Irish, 50, 142; civil, in England, 70; civil, in Ireland, 135-6; effect on government, 139; general in Europe, 161; Hundred Years', 162; class, 166.

Wardrobe, 144.

Waterford, 23, 165; sheriff of, 139; in city league, 165.

Welsh, 3, 51; law, 39; deputation to Bruce, 97-8.

Welshry, 39.

Westminster, 20, 22; Exchequer at, 23.

Wexford, 11; Liberty of, 31; service of, in Irish wars, 148.

Wicklow, 96, 139.

William, the Conqueror, 9, 18, 155.

William II, 18.

Windsor, Treaty of, 9, 36, 58.

World, history, 1, 155; family, 1; religion, 2; Empire, 2, 3, 155; ideal, 160.

Writ, *præcipe*, 24, 31; of Inquisition, 29; use of, 34; covering Ireland, 49; disregard of, 139.

Wyclif, 160.

Year of Grace, 3.

York, Primate of, 115.

Yorkist wars, 161.

Youghal, 106.

Ypres, 99.

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Edward Bruce's invasion
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